DOCUMENT RESUME

ED 467 043	UD 035 127
AUTHOR	Rossell, Christine H.
TITLE	Dismantling Bilingual Education Implementing English Immersion: The California Initiative.
SPONS AGENCY	Public Policy Inst. of California, San Francisco.
PUB DATE	2002-07-20
NOTE	263p.
AVAILABLE FROM	For full text: http://www.bu.edu/polisci/CROSSELL/Dismantling%20Bilingual%20Education,%20July%202002.pdf.
PUB TYPE	Reports - Evaluative (142)
EDRS PRICE	EDRS Price MF01/PC11 Plus Postage.
DESCRIPTORS	Academic Achievement; *Bilingual Education; Bilingual Students; Educational Change; Elementary Secondary Education; English (Second Language); *Immersion Programs; *Limited English Speaking; Second Language Learning; *State Legislation; State Programs
IDENTIFIERS	*California; *Proposition 227 (California 1998)

ABSTRACT

This study explored bilingual education in California, analyzing California law on instruction for English Learners before and after Proposition 227. Proposition 227 required that all English Learners (EL) participate in a sheltered English immersion program in which most instruction was in English with curriculum and presentation designed for children learning the language for a transition period not normally intended to exceed one year. This approach was designed to replace the existing system of bilingual education. The study also describes the process by which a child is designated limited English proficient or EL, the characteristics of these students, and trends in the number of students redesignated fluent-English-proficient. Also studied were bilingual education enrollment before and after Proposition 227 and the characteristics of students enrolled, testing rates for all EL students and EL students in bilingual education, and research findings on the effectiveness of bilingual education. Data came from the California State Department of Education database, classroom observations and interviews of teachers and principals, school documents, and findings from other research studies. Findings indicate that Proposition 227 may have a positive effect on the academic achievement of EL students, but it is not going to turn them into high scoring students. Bilingual education may not be an effective way of teaching EL students, but it was not the primary cause of their low achievement. In addition, redesignation standards are as problematic as ever, and may be more unrealistic than they were before Proposition 227. Some recommendations are made to amend Proposition 227. Ten appendices contain supplemental information about the study. (Contains 21 tables, 27 figures, and 70 references.) (SLD)

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DISMANTLING BILINGUAL EDUCATION IMPLEMENTING ENGLISH IMMERSION: THE CALIFORNIA INITIATIVE

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Revised July 20, 2002

This research project was funded by the Public Policy Institute of California,
San Francisco, California

UD 035 127

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Summary

California has a 26 year history of bilingual education that was supposed to end with the passage of Proposition 227 on June 2, 1998. Proposition 227 required that children who were "English learners" (formerly called limited English proficient or LEP) be placed in a sheltered English immersion program in which nearly all instruction was in English but at a pace the student could understand.

Proposition 227 did not completely replace bilingual education, but the number of limited English proficient or English Learner (EL) students enrolled in bilingual education declined from 409,879 in 1997-98 to 169,440 in 1998-99. It has remained close to that level at 169, 929 in 1999-00, and 167, 163 in 2000-01. The percentage enrolled in bilingual education declined from 29 to 12 percent in 1998-99 and has pretty much remained at that level (11 percent in 1999-00 and 2000-01). At the elementary level, the percentage enrolled in bilingual education declined from 39 percent to 15 percent and has pretty much remained at that level (16 percent in 1999-00 and 15 percent in 2000-01). Similar changes were seen in the largest school districts in California, although San Francisco and Oakland are notable exceptions. San Diego has seen a resurgence in bilingual education enrollment since the large decline in the first year of Proposition 227.

On February 7, 2002, the California State Board of Education approved the circulation of regulations allowing the principal and educational staff, as well as parents, to make the decision on whether children should be placed into bilingual education programs, thereby nullifying a core provision of Proposition 227. The proposed February 2002 regulations also eliminated the requirement that English learners be taught English for at least the first thirty days of *every* school year. If a child receives a waiver and is placed in an alternative program, the 30 days in

English would only be necessary the first year that the child enrolls in school. Although this is current practice, the threat of a lawsuit by Ron Unz prompted the defeat of these proposed regulations on March 30, 2002. Teachers are in fact already the primary decision makers of whether a child is placed in bilingual education and many schools are already cheating on the 30 day requirement, so the state board's proposed regulations were merely an attempt to codify current practice. The defeat of the proposed regulations is unlikely to change current practice.

The future academic success of Proposition 227 is limited by other potential problems as well. To begin with, there is no unequivocal research demonstrating that bilingual education is the educational disaster that some of its critics claim. Nor was bilingual education universal. Although not publicly acknowledged, bilingual education was and is a program for Spanish speaking English Learners. Spanish speakers were 82 percent of the English Learners in California and the only students in bilingual education learning to read and write in their native tongue. Other English Learners do not receive native tongue instruction even though the program may be called "bilingual."

The tendency is to claim a program for English Learners is "bilingual" whenever students of the same ethnicity are placed in a separate classroom for the purposes of helping them learn English even if the native tongue is not used in instruction. As noted above, only 29 percent of all English Learners and 39 percent of all elementary English Learners were enrolled in bilingual education before Proposition 227. If the only children enrolled in nominal bilingual education had been Spanish speakers, at most only 36 percent of all Spanish speaking English Learners would have been enrolled in bilingual education, 47 percent at the elementary level and 13 percent at the secondary level. The actual percentage of children enrolled in a true bilingual education program is probably several points lower than this since not all the children enrolled in programs labeled bilingual education were Spanish speakers and not even 100 percent of the Spanish speakers enrolled in bilingual education were actually being taught in their native tongue.

The import of the fact that bilingual education was not widespread and affected only Spanish speakers is that whatever replaces it will not produce miracles. The low achievement of English Learners is due primarily to their immigrant status, their social class, and the way in which English Learner is defined. An English Learner is not just a child who is learning English or from an immigrant family. An English Learner is a child who is learning English or from an immigrant family who scores low on tests in English. Thus, by definition, these students are low scorers and it is not possible for them to be designated English Learner and not be a low scorer. In addition, once classified as an English Learner, anywhere from 1/3 to 1/2 of English Learners will never be reclassified fluent English speaking solely because the test score criterion is unattainable for 1/3 to 1/2 of native English speakers. As a result redesignation rates have improved only slightly since Proposition 227 because the standard has not changed. The only reform that has occurred since Proposition 227 is that the state has mandated that all school districts use the same flawed test to designate and redesignate English Learners.

Between the state board's and the school district's interpretations, Proposition 227 has been modified substantially. School districts have interpreted Proposition 227 to allow at least 30 percent of instruction in the native tongue in a sheltered immersion class. Moreover, it seems, that in districts that have not made a districtwide commitment to English language instruction, parents in schools with substantial numbers of Spanish speaking English Learners can easily obtain a waiver to enroll their child in bilingual education. Such schools have been assigning kindergarten and preschool Spanish speaking English Learners and other new English Learner immediately to programs labeled bilingual education without 30 days of instruction in a sheltered English immersion program. The careful documentation of special need is apparently often ignored and the primary consideration of many schools seems to be whether they have enough English Learners of a single language to form a classroom for that grade.

In schools where there are not enough Spanish speakers to maintain a bilingual education program or in districts that have made an across the board commitment to English language instruction, parents may not be informed of their right to a waiver since there is no practical way to comply with that request. Districts do not seem to be busing Spanish speaking English learners to other schools in order to have enough to run a bilingual education program.

Thus, schools apparently control demand for bilingual education. Many Hispanic parents are quite willing to defer to the school staff as the authority on the program their child should be in. Teachers in schools with enough Spanish speaking English Learners to run a bilingual education program explained to me that they "worked very hard" telephoning and holding meetings during the 30 day all-English trial period to convince parents that their child would be better off in the bilingual education program they had been recommended for the previous year and in some cases had been assigned to immediately on the first day of school.

Hispanic students are the only English Learners who get waivered into bilingual education since they were the only ones in true bilingual education in the first place. Thus, the percentage of students in bilingual education since Proposition 227 is still primarily a function of the number of Hispanic English Learners. Since only the Spanish speakers were being taught literacy in their native tongue before Proposition 227, they are the only English Learners who *need* to be waivered after Proposition 227.

But waivered students do not necessarily translate into bilingual education classrooms. The reality is a lot messier. Only 40 percent of the schools for which I had data had all of their waivered students in bilingual education classrooms. Many, if not most, waivered students are actually in a mixed treatment or structured immersion classroom.

Teachers in the structured immersion classrooms were universally pleased at the success of the program. Former Spanish bilingual teachers were pleased at how rapid was their students' progress in English in the sheltered English immersion classroom and how proud their students were to be learning English. This was particularly true of the former bilingual education teachers in Oceanside who were not only pleased with their experience with sheltered English immersion, but with the benefits that accrue from the entire school district having adopted sheltered English immersion. Nevertheless, former bilingual education teachers in the other school districts still believe in the facilitation theory and worry about possible long term negative consequences of learning to read and write in English rather than Spanish. Former Chinese bilingual teachers saw Proposition 227 as a non-event. They continued to do what they had always done—teach children to read and write in English in a sheltered environment.

One of the most controversial aspects of Proposition 227 has been the one year limit on being in a self-contained program. The state board has interpreted the one year time limit as renewable if the child has not achieved a "reasonable level of English proficiency" as measured by state designated assessment tests. Following their lead, school districts have said that one year is the *minimum*, not the maximum time the law states that a child can be in a sheltered English immersion program. Thus, it is possible that English Learners will stay in structured immersion classes their entire elementary school careers just as often occurred with bilingual education before Proposition 227.

Students who obtain waivers to stay in bilingual education are not affected by the one year time limit at all. Assuming there are enough students to run a K-6 bilingual education program, a Hispanic English Learner could still stay in bilingual education his or her entire elementary school career, as was sometimes the case before Proposition 227, and it would be perfectly legal.

Many school district administrators do not understand what structured English immersion is and they believe that if the language of instruction is English, they are in compliance with Proposition 227. As a result, there are numerous English Learners currently in mainstream classrooms, not the sheltered classrooms envisioned in Proposition 227. This coupled with the fact that some large, unknown percentage of the bilingual education students are in mixed treatment classes and the ones in true bilingual education classes are getting more English, means that evaluating the educational effect of structured immersion is going to be extremely difficult.

This is further complicated by the fact that currently about 16 percent of English Learners are not tested in reading on the SAT9 despite the state law requiring it. This varies considerably from school to school and district to district with a range from 0 to 100 percent. Drawing conclusions from simple descriptive statistics of the achievement of English Learners in a school or school district, as so many have done, is not valid because of the differences in testing rates for English Learners, and the even lower testing rate for students in bilingual education. In some schools, it is possible that none of the students in bilingual education were tested in reading. The STAR data file with test scores of English Learners by school does not clarify this because it is not broken down by program. What is available from the state is not reliable.[1]

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[1] There is a data file that has just been posted at http://www.eddataonline.com/research/ that breaks test scores down by program enrollment. However, the bilingual education program category is not at all accurate before 2000-01.

There is very little scientific research on the effectiveness of bilingual education, but what little there is suggests that the model required by Proposition 227 is the most successful approach to educating limited English proficient children. On the other hand, there is also evidence to indicate that the best bilingual education programs are as good as the worst all-English programs. A program with some native tongue instruction and no reduction in English is, on average, the equal of a mainstream classroom.

Thus, Proposition 227 may have a positive effect on the academic achievement of English Learners, but it is not going to turn them into high scoring students. This is because bilingual education may be the least effective way of teaching English Learners, but it was not the primary cause of their low achievement. Second, the redesignation standards are still as problematic as, and even more unrealistic than, they were before Proposition 227. The new statewide test will only add to the confusion, at least for several years. Although redesignation rates went up slightly this past year, it is not clear how much is due to Proposition 227 and how much is due to the adoption of new standards and new tests. Indeed, the latter could actually pull down redesignation rates, rather than increase them.

Recommendations for Amending Proposition 227

I have four recommendations for improving Proposition 227 and its outcomes and one for improving the state law on testing. First, sheltered English immersion programs that use 30 percent Spanish instruction should be tolerated, so long as they do not teach Spanish literacy. Second, the state should prohibit the clustering of preschool and kindergarten English Learners

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In earlier, years, it includes instructional programs for English Learners that are in English because the question was a yes or no as to whether the child was enrolled in a bilingual education program. Thus, there is no ability to analyze change over time. The state (CDE) will make individual student test scores available to researchers with in classrooms labeled bilingual education during the initial 30 day sheltered English immersion period. Third, school districts should be prohibited from using tests as the sole means of classifying and reclassifying students as EL. Fourth, Proposition 227 should be amended to include a provision that individual students cannot be kept in a self-contained sheltered English immersion program longer than a year regardless of their test scores unless a) the parent visits the school and personally signs a waiver each year, and b) the school district fills out a lengthy form attesting to the special circumstances that require that this child be kept in a self-contained program. Fifth, Proposition 227 should be amended to include a provision that students in bilingual education classes cannot be kept in a self-contained classroom for longer than two years regardless of their test scores unless a) the parent visits the school and personally signs a waiver each year, and b) the school district fills out a lengthy form attesting to the special circumstances that require that this child be kept in a self-contained program.

I also have a recommendation to improve the state law on testing. School districts should be required to test 90 percent of their English Learners in order to receive state awards. This simply applies the new state regulations for all students to English Learners specifically.

As it stands now, the major impact of Proposition 227 that can be determined with some certainty is that it came close to eliminating bilingual education in California after 26 years of support by the California Department of Education. Fifty-six percent of the schools, and about 47 percent of the school districts, that had some bilingual education before Proposition 227 completely eliminated their bilingual education programs and almost all of them had a reduction in bilingual education. The jury is still out on how much effect Proposition 227 had on test scores, although the research suggests that it should have a positive effect and one study (Bali,

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contracts to the state, but the student records in the CDE files do not have individual identifiers that would allow one to track the progress of individual kids across years or associate them with particular teachers and classrooms.

2000) shows it did have a small positive effect in one California school district.

Contents

Summary i
RECOMMENDATIONS FOR AMENDING PROPOSITION 227 vii

Figures xii

Tables xiv

Appendices xv

Acknowledgements xvi

1. What is Bilingual Education? 1
DATA 2
PROGRAMS FOR ENGLISH LEARNERS 4
CALIFORNIA LAW 9
PROPOSITION 227 10
Legal Challenges *12*
HOW SCHOOL DISTRICTS INTERPRETED PROPOSITION 227 15
THE TIME LIMIT IN A SELF-CONTAINED CLASSROOM 21

2. Designating a Child Limited-English-Proficient or English Learner 24
THE DESIGNATION PROCESS 26
The Home Language Survey *26*
Norm-Referenced Tests *27*
Oral Proficiency Tests *32*
THE RESEARCH ON ENGLISH PROFICIENCY TESTS 32
THE ENGLISH LEARNER POPULATION IN CALIFORNIA 39
REDESIGNATION RATES IN CALIFORNIA 41

3. Enrollment in Bilingual Education Before Proposition 227 44
PROGRAM ENROLLMENT DATA 44
HOW MANY STUDENTS IN BILINGUAL EDUCATION? 49
WHICH LANGUAGE GROUPS? 52

4. The Impact of Proposition 227 on Bilingual Education 58
TRENDS IN BILINGUAL EDUCATION ENROLLMENT 71
WHAT KINDS OF SCHOOLS CONTINUED BILINGUAL EDUCATION AFTER PROPOSITION 227?..... 80

5. Did Bilingual Education Harm English Learners in California? 82
METHODOLOGICAL APPROACH 83
METHODOLOGICAL CONSTRAINTS: DIFFERENTIAL TESTING RATES 84
RESEARCH FINDINGS ON ACHIEVEMENT 91
Bilingual Education v. Doing Nothing *92*
Bilingual Education v. Structured Immersion. *93*
Structured Immersion v. ESL *93*
Transitional Bilingual Education v. Maintenance Bilingual Education *93*
META-ANALYSIS 94
THE EFFECT OF PROPOSITION 227 ON ACHIEVEMENT 96
RECOMMENDATIONS OF ROSSELL AND BAKER (1996B) 98

6. SUMMARY AND RECOMMENDATIONS **102**
RECOMMENDATIONS FOR AMENDING PROPOSITION 227 103
BIBLIOGRAPHY .... **End**

Figures

Figure 1.1 Percentage of English Learners who are Spanish or Vietnamese Speakers in Los Angeles Unified, San Diego City Unified, San Francisco Unified and the State, 1989-90 to 2000-01
Figure 2.1 Percentage Poor in a California School District by English Learner (EL) Status, Spring 1997
Figure 2.2 Percentage of Fluent English Speaking Children Scoring at or Below the 36th Percentile on CAT5 by Poverty Status in a California School District, Spring 1997
Figure 2.3 Percentage of English Learners (EL) and Actual and Projected Percentage of EL Redesignated Pre and Post Proposition 227 in California, 1981-82 to 2000-01
Figure 3.1 Elementary and Secondary English Learner Program Enrollment in California, 1997-98
Figure 3.2 Maximum Possible Percentage of Spanish Speaking English Learners in Bilingual Education in California, 1997-98
Figure 3.3 Pre-Proposition 227 Predicted Program Placement of English Learners in California
Figure 4.1 A Supply and Demand Model of the Process of Creating Waivered Bilingual Education Students and Waivered Bilingual Education Classrooms Under Proposition 227
Figure 4.2 Percentage of Waivered Students in Mainstream Classrooms in Observed Hispanic Elementary Schools, California, 1998-99
Figure 4.3 Percentage of Students Who are Waivered in 31 Classrooms Containing Waivered Students in One Elementary School in Los Angeles Unified, 1998-99 and September 2001
Figure 4.4 Percentage of Observed Hispanic Schools with Waivered Students by Grade, 1998-99 and September 2001
Figure 4.5 Percentage of English Learners Enrolled in Bilingual Education (Old Category) in California, 1989-90 to 2000-01
Figure 4.6 Percentage of Elementary English Learners Enrolled in Each Program Model (Old Categories) in California, 1997-98 to 2000-01
Figure 4.7 Percentage of Secondary English Learners Enrolled in Each Program Model (Old Categories) in California, 1997-98 to 2000-01
Figure 4.8 Elementary and Secondary English Learner Program Enrollment (New Categories) in California, 2000-01
Figure 4.9 Percentage of Elementary English Learners Enrolled in Bilingual Education in Los Angeles, San Diego, San Francisco, and the State, 1996-97 to 2000-01
Figure 4.10 Percentage of Secondary English Learners Enrolled in Bilingual Education in Los Angeles, San Diego, San Francisco, and the State, 1996-97 to 2000-01
Figure 4.11 Percentage of Elementary English Learners Enrolled in Bilingual Education in Five Districts and the State, 1996-97 to 2000-01
Figure 4.12 Percentage of English Learners Enrolled in Bilingual Education in Oceanside Unified School District and the State, 1989-90 to 2000-01

Figure 4.13 Percentage of English Learners Enrolled in Bilingual Education in California Schools Pre and Post Proposition 227 by Number of Spanish Speaking English Learners, 1997-98 to 2000-01
Figure 4.14 Percentage of Elementary English Learners Enrolled in Bilingual Education in California Schools Pre and Post Proposition 227 by Number of Spanish Speaking English Learners, 1997-98 to 2000-01
Figure 5.1 Percentage of English Learners Tested in Reading in California Schools, 1997-98 to 2000-01
Figure 5.2 Percentage of Elementary School English Learners Tested in Reading in the State and the Four California School Districts that Litigated the Requirement to Test All English Learners,1997-98 to 2000-01
Figure 5.3 Percentage of Elementary School English Learners Tested in Reading in Four Other Large California School Districts and the State, 1997-98 to 2000-01
Figure 5.4 Percentage of School Districts Testing Less than Half of their English Learners, 1997-98 to 2000-01
Figure 5.5 Percentage of Elementary English Learners Tested in Reading in California Schools by Extent of Enrollment in Bilingual Education Controlling for Poverty, Size, and Spanish Speaking Population, 1997-98 through 2000-01
Figure 5.6 Percentage of English Learners Tested in Reading by Program Using Individual Student Data from Los Angeles Unified School District and Pasadena Unified School District
Figure 5.7 Percentage of English Learners Tested in Reading by Program in Using Individual Student Data from Ramirez et al. (1991) National Study

Tables

Table 1.1 Post-227 Classroom Observations and Interviews, Spring 1999 and Fall 2001
Table 1.2 Interpretations of Proposition 227 Requirement for Structured Immersion in Los Angeles, San Diego, and San Francisco, 1998-1999
Table 1.3 Interpretations of Informed Consent and Circumstances Justifying Parental Waiver of Proposition 227 in Los Angeles, San Diego, and San Francisco, 1998-99
Table 1.4 Interpretations of Definition of English Learner and Time Period of Sheltered English Immersion Program in Emergency State Board Regulations (10/98), Los Angeles, San Diego, and San Francisco, 1998-99
Table 1.5 State Board of Education Proposed Regulations Regarding the 30 Day Time Period and Who Can Initiate Waivers, February 2002
Table 2.1 Percentage of Hispanic, Asian, Non-Hispanic White, and All Students Who Are Designated English Learners in California in 1997-98 and 2000-01 by School Level
Table 2.2 Percentage of English Learners who are Hispanic, Asian, and Non-Hispanic White in California, 1997-98 and 2000-01
Table 2.3 Redesignation Rates for English Learners and Cumulative Redesignation Rates for 1992-93 Kindergarten Cohort in California, 1981-82 to 2000-01
Table 3.1 Staff providing Primary Language Instruction in California From State Department of Education Language Census, Before Proposition 227 (1997-1998)
Table 3.2 Predictors of the Number of English Learners (EL) Enrolled in Bilingual Education in Individual Schools in California, 1997-98
Table 4.1 Predictors of the Number of English Learners (EL) Enrolled in Bilingual Education in Individual Schools in California after Proposition 227, 2000-01
Table 4.2 Correlation Between Number and Percentage of English Learners Enrolled in Bilingual Education Pre and Post Proposition 227 in California Schools
Table 4.3 Correlation Between Number and Percentage of English Learners Enrolled in Bilingual Education Pre and Post Proposition 227 in California School Districts

Appendices

- Appendix A Text of Proposition 227
- Appendix B Example of Interview Questions
- Appendix C Instructions for the Language Census (Form R30-LC), Spring 2001
- Appendix D Language Census Form, Spring 2001
- Appendix E English Language Proficiency Tests Approved by the State of California
- Appendix F Program Enrollment in California, Los Angeles, San Diego, and San Francisco
  - Table F.1 Program Enrollment by Year in State of California
  - Table F.2 Program Enrollment in State of California, Elementary Schools Only
  - Table F.3 Program Enrollment in Los Angeles Unified School District
  - Table F.4 Program Enrollment in Los Angeles Unified School District, Elementary Schools Only
  - Table F.5 Program Enrollment in San Diego City Unified School District
  - Table F.6 Program Enrollment in San Diego City Unified School District, Elementary Schools Only
  - Table F.7 Program Enrollment in San Francisco Unified School District
  - Table F.8 Program Enrollment in San Francisco Unified School District, Elementary Schools Only
- Appendix G Bilingual Education Enrollment in the Largest School Districts in California
  - Table G.1 Bilingual Education Pre and Post Proposition 227 in Largest (at or above 20,000 in 2000-01) School Districts in California
  - Table G.2 Elementary Bilingual Education Pre and Post Proposition 227 in Largest (at or above 20,000 in 2000-01) School Districts in California
- Appendix H Percentage of English Learners Tested in Reading Pre and Post Proposition 227 in Largest (at or above 20,000 in 2000-01) School Districts in California
- Appendix I Predictors of the Percentage of English Learners Tested in Reading in California Elementary Schools, 1997-98, 1998-99, 1999-00, 2000-01
- Appendix J Percentage of Methodologically Acceptable Studies Demonstrating Program Superiority, Equality, or Inferiority by Achievement Test Outcome

Acknowledgements

I wish to thank the Public Policy Institute of California for awarding me a Visiting Fellowship in Winter and Spring 1999 on the strength of a proposal written before Proposition 227 came on the political horizon. When I showed up in January 1999, it had been in place for four months.

I am also grateful to Mark Lopez, Russell Gersten, Kim Reuben, Charles Glenn, Peter Schrag, and Michael Teitz for comments on organization and substance which improved this analysis. Of course, any remaining errors or omissions are entirely mine.

Several of the classroom observations and interviews in schools in the Los Angeles area in Spring 1999 were conducted by Carol Janes, a former teacher in the Los Angeles public schools and professor of education at Loyola Marymount University. I am grateful for her insight and expertise.

Finally, I am indebted to the Superintendents and Associate Superintendents, principals and teachers who allowed me to observe their classes and interview them. They are poised and polished professionals who seem to be not at all concerned about an outsider wandering into their classroom unannounced and sitting in the back of the room taking notes. I have been doing this for 25 years, first in connection with school desegregation litigation and now in connection with bilingual education research, and I am enormously impressed by the openness of American classrooms, and by the skill and talent of American teachers, particularly the Spanish bilingual education teachers whose talent and skills span two languages. Indeed, I am grateful to all the teachers I have observed, and administrators and teachers I have talked to, for what they have taught me.

1. What is Bilingual Education?

Perhaps no other educational policy is as misunderstood and the subject of as much venom and passion as bilingual education. Nowhere is this more obvious than in California which had a 26 year history of bilingual education that was supposed to end with the passage of Proposition 227 on June 2, 1998. Proposition 227 required that all English Learners (EL) participate in a "sheltered English immersion" program (AKA "immersion" or "structured immersion") in which nearly all instruction was in English, but with the curriculum and presentation designed for children who are learning the language for a transition period "not normally intended to exceed one year." It was supposed to replace bilingual education, the program which had been supported by the California Department of Education for two and a half decades.

The characterization of bilingual education by its critics in California is epitomized by Los Angeles Mayor Riordan's comment before the Westchester Chamber of Commerce: "I know of a few laboratory examples of bilingual education succeeding, but in the vast, vast majority of schools it is a total failure," (Newton and Smith, Los Angeles Times, 1998).

Similarly, Article 1, 300 (d) of Proposition 227 stated

> ...the public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children;[2]

The purpose of this report is to analyze this phenomenon. In doing so, I analyze 1) California law on instruction for English Learners[3] before and after Proposition 227, and the interpretation of Proposition 227 by school districts; 2) the process by which a child is designated limited-English-proficient or English Learner, the characteristics of these students, and trends in the number of students redesignated fluent-English-proficient; 3) bilingual education enrollment before and after Proposition 227 and the characteristics of the students enrolled; 4) testing rates for all English Learners and English Learners enrolled in bilingual education; and 5) the research findings on the effectiveness of bilingual education.

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[2] The entire text of Proposition 227 is in Appendix A.

[3] From 1972 until June 2, 1998, children learning English in California were designated limited-English-proficient or LEP. This is still the most common term in other states and in the federal government. In June 2, 1998, the term

Data

The data used in this report come from the following sources: 1) the California State Department of Education (CDE) database on California schools from 1981-82 through 2000-01, 2) classroom observations and interviews of teachers and principals and school documents they gave me during these visits, and 3) scientific research studies conducted by myself and others.

Most of the quantitative data on English Learners and programs for them in California schools was downloaded from the state department of education web site: www.cde.ca.gov/demographics. In describing statewide trends, all schools were analyzed and no sampling was done. The data on the number of English Learners tested on the statewide test, SAT9, in reading were downloaded from the CDE web site: star.cde.ca.gov. Test scores by program are available from the state web site http://www.eddataonline.com/research/ for Spring 1998 through Spring 2001, but the program category is definitely not reliable before Spring 2001 (and may not be reliable in that year either). In earlier years, the bilingual education category includes English language programs. Because there is only one year of even potentially reliable program data, this report does not contain analyses of achievement by program.

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changed to English Learner in California because that is the term used in Proposition 227. The term English

I have observed more than 300 classrooms, and interviewed a smaller number of teachers and principals, in California, Minnesota, New York City, and Massachusetts over the last decade and a half. The California classrooms constitute more than half of the sample, and were observed from Fall 1986 through Fall 2001.

The number of schools, classrooms, teachers, and administrators observed and interviewed in California in the period after Proposition 227 is reported in Table 1.1. The schools in Oceanside, Los Angeles, San Diego, and San Francisco were selected randomly from among those with large numbers of Hispanic or Chinese English Learners. Across all eight districts, 170 classrooms in 29 elementary and junior high schools were observed by myself or my colleague Carol Janes.[4]

The total number of teachers and administrators interviewed is approximately 66 teachers, 39 building administrators, one superintendent, and one associate superintendent.[5] In general, teachers were interviewed only if they had some free time before or after the classroom observations or school visit. At least one administrator, and sometimes two, was interviewed in every school.

The interviews were open-ended and conversational and an example of the questions I asked is shown in Appendix B. The administrators were asked to explain the implementation of 227 in their school, the effect it had on their school in terms of the number of students in bilingual education, and the way in which waivered classrooms were created for each grade. Teachers were asked these and other questions about their students and their instructional

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Language Learner is increasingly being used in academia. In this report, I use the term English Learner to conform to current California legislation and regulations.

[4] I personally observed 161 classrooms in Spring 1999 and September 2001. Carol Janes observed 12 classrooms in Spring 1999.

[5] Los Angeles and Bay area school districts A and B are unnamed because they are so small that to name them would compromise the anonymity of the schools visited.

Table 1.1
Post-227 Classroom Observations and Interviews
Spring 1999 and Fall 2001

	OBSERVATIONS				INTERVIEWS			
	Schools		Classrooms		Teachers		Administrators[a]	
	1999	2001	1999	2001	1999	2001	1999	2001
Oceanside		3		27		6		5
Los Angeles[b]	8	2	33	18	16	4	14	3
San Diego[b]	4	2	21	28	9	5	7	2
San Francisco	5		32		14		5	
Bay Area District A	1		4		4		1	
Bay Area District B	0		0		1		1	
Los Angeles Area District A	4		7		7		0	
Los Angeles Area District B	0		0		0		1	
TOTAL	22	7	97	73	51	15	29	10
GRAND TOTAL	29		170		66		39	

[a] Includes Superintendent, Assoc. Superintendent, Principal, Assistant Principal, Director or Coordinator of Bilingual Education, or Curriculum.

[b] In Fall 2001, one of the schools in San Diego and one in Los Angeles were schools that had been previously visited in Spring 1999. These schools are counted again in the total.

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approach and the effect of Proposition 227. Former bilingual education teachers who were teaching in sheltered English immersion classrooms were asked which approach they preferred and whether they would ever go back. Because the purpose of the interviewing was to obtain information on the implementation of 227, not to evaluate teachers, I skipped questions that would disrupt the logic or flow of what I was being told and I added questions in order to understand what I was being told or observing. In addition, because the teacher interviews were not scheduled and were taken from time that teachers could be doing other things, I tried to speed things up by not writing everything down. I was looking for common themes or anomalies in order to enhance my understanding of how Proposition 227 was implemented in these classrooms.

The classroom observations and interviews are absolutely necessary if one is to understand how programs are implemented and the biases in the quantitative data.[6] The inclusion of native tongue instruction in the education of English Learners generates such passion among supporters and critics and there is so little common vocabulary that few people, including the teachers themselves, can be trusted to accurately describe these programs and their effects. The classrooms observations are also helpful in understanding the large scale, empirical analyses of data. Both approaches are necessary to understand the whole picture, and this report contains both.

Programs for English Learners

During the last two and a half decades in California and the rest of the U.S., there have been three very different instructional programs for limited English-proficient students or English

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[6] The case study approach to theory building has a long tradition in the social sciences. Explanations of this approach can be found in Miles and Huberman, 1995; Yin, 1994; and Huberman and Miles, 1984, among others.

Learners: 1) regular mainstream classroom instruction with English as a Second Language (ESL) instruction in a pullout setting; 2) structured immersion—all English instruction in a self-contained classroom consisting only of second language learners, and 3) native tongue instruction characterized by initial literacy in the primary language and subject matter in the primary language with English language instruction. All three programs have been called bilingual education by national, state and local administrators, legislators, reporters, and educators, although only the last one actually is bilingual education.

The state tries to bring some order to this chaos by conducting an annual Language Census on the program enrollment of LEP or English Learner students. The instructions for the language census (form R30-LC) are in Appendix C and the census form itself is in Appendix D for the year 2000-01.[7] The census asks for the following data: number of English Learner (EL) students (formerly known as limited-English-Proficient or LEP) and Fluent English-proficient (FEP) students in California public schools (K-12) by grade and primary language other than English; number of English Learners enrolled in specific instructional settings or services by type of setting or service; number of students redesignated from English Learner to Fluent-English-Proficient from the prior year; and the number of bilingual staff persons providing instructional services to English Learners by primary language of instruction.

Thus, school administrators are asked to choose from among the program descriptions offered by the state. It is not an easy task and within districts, the numbers for some programs are somewhat erratic. For example, it appears that school district administrators placed ESL programs in any one of the five Language Census program definitions shown below that refer to the language of instruction being English, although category 00 (English Language Development) would seem to be the most appropriate:

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[7] The current year's forms can be found on the department web site at www.cde.ca.gov/demographics.

- ***(00) English Language Development (ELD)*** is English language instruction appropriate for the student's identified level of language proficiency. It is consistently implemented and designed to promote second language acquisition of listening, speaking, reading, and writing.

- ***(01) ELD and Specially Designed Academic Instruction in English (SDAIE)*** is ELD and at a minimum two academic subjects taught through SDAIE.

- ***(02) ELD and SDAIE with Primary Language Support*** is ELD and SDAIE with Primary Language Support (L1 support) in at least two academic subject areas. L1 support does not take the place of academic instruction through the primary language but may be used to clarify meaning and facilitate comprehension of academic content taught mainly through English.

- ***(04) Instructional Services Other than those Defined in 00-03*** (prior to Proposition 227, this category was called Withdrawn from all Services)

- ***(05) Not Receiving Any English Learner Services*** means no specialized instructional services for English Learners.

Category 01, ELD and Specially Designed Academic Instruction in English (SDAIE), is close to what is called structured immersion in the academic literature and sheltered English immersion in Proposition 227. Structured immersion, or sheltered English immersion, is all-English instruction in a self-contained classroom containing only English Learners. The teacher teaches in English, but at a level the student can understand. At the secondary level, these programs are sometimes called sheltered classes.

The definition of bilingual education in the language census is shown below.

- ***(03) ELD and Academic Subjects Through the Primary Language (L1)*** is EL students receiving ELD and, at a minimum, two academic subjects through the primary language (L1). L1 instruction is (1) for Kindergarten – grade 6, primary language instruction provided, at a minimum, in language arts (including reading and writing) and mathematics, science, or social science; or (2) for grades 7-12, primary language instruction provided, at a minimum, in two academic subjects required for grade promotion or graduation. The curriculum should be equivalent to that provided to FEP and English-only students. These students may also be receiving SDAIE as described above. L1 instruction should be provided by teachers with a CTC bilingual authorization or in training for a CTC bilingual authorization.

In 1997-98, according to the Language Census, 11 percent of the programs were classified as ELD, 12 percent as SDAIE, and 22 percent as SDAIE with L1 support. Altogether, 55 percent of English Learners were in programs that used English as the language of instruction, but provided some extra help, 12 percent of English Learners were in some other kind of English language program or no program at all, and 29 percent were in bilingual education.

But these statistics probably overestimate bilingual education enrollment. Although the state distinguishes between these different techniques and their language of instruction, the school districts do not consistently follow them. Prior to Proposition 227, structured immersion was often called "bilingual" education, and ESL pullout was occasionally called "bilingual" education, even though both are taught entirely or almost entirely in English.

Structured immersion is typically called bilingual education by school systems if the teacher is bilingual, the students are in a self-contained classroom separate from fluent English speakers, and the classes are formed with the declared intent (although not actual implementation) of providing native tongue instruction. In some of these classrooms there may be some instruction in a non-English language as an enrichment, but it is not a means of subject matter instruction nor of acquiring literacy. The Chinese bilingual education classes, for example, are actually structured immersion, even when some Mandarin is taught as an enrichment.[8]

Occasionally ESL pullout programs are also called bilingual education if the students receiving the ESL instruction are from the same language background and the teacher is bilingual. The fact that these so-called bilingual education classrooms are actually taught in English is ignored by the administrators, the policymakers, the parents, and the advocates of bilingual education—indeed, the latter passionately *deny* it. The advocates apparently see a political advantage in casting as wide a net as possible to include many different types of programs under the label bilingual education.

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[8] I have been in numerous Chinese bilingual education classes across the U.S. which included the teaching of Mandarin for a few hours a week. Many people would argue that this justifies calling the program bilingual education, although Mandarin might be the language of only one or two of the ethnically Chinese English Learners in the program. I would argue that since Mandarin is not the native tongue or primary language of the students it is being taught to, it is not bilingual education according to the theory. Even if it were the language of all the students, it is still not being taught according to the theory because the students learn to read and write initially in English and then receive some Mandarin instruction as an enrichment after having attained literacy in the second language.

By contrast, I define bilingual education as native tongue instruction with initial literacy in the primary language and subject matter in the primary language. English is taught as a subject, for about an hour a day initially. The amount of English is typically increased over time, but students are not supposed to be transitioned completely to English until they have mastered native tongue literacy.

I define bilingual education this way because this is the program described in the facilitation theory that is the foundation of bilingual education (Cummins 1980a, 1980b). The facilitation theory has two parts: 1) the "threshold" hypothesis which states that there is a threshold level of linguistic competence in the first language which a bilingual child must attain in order to avoid cognitive disadvantages, and 2) the "developmental interdependence" hypothesis that states that the development of skills in a second language is facilitated by skills already developed in the first language. According to this theory, children must learn to read and write in their native tongue, and learn subject matter in their native tongue. They only begin English (second language) literacy after they have mastered native tongue literacy. If a "bilingual education" program does not follow this process, it is not implementing the rationale for native tongue literacy and the child is not supposed to benefit from the program. Therefore, the program is not "true bilingual education" or "bilingual education according to the theory."

California Law

The state of California adopted the definition found in the theoretical literature more than 25 years ago. Chapter 5.7, the Bilingual Education Act of 1972, defined bilingual education as

> "the use of two languages, one of which is English, as a means of instruction in any subject or course. It is a means of instruction in which concepts and information are introduced in the dominant language of the student and reinforced in the second language. It recognizes that teaching of language skills is most meaningful and effective when presented in the context of an appreciation of cultural differences and similarities.[9]

The 1976 Chacon-Moscone Act divided bilingual education into "basic bilingual education," defined as:

> (a) … a system of instruction which builds upon the language skills of the pupil and which consists of, but is not limited to, all of the following:
> (1) A structured English language development component with daily instruction leading to the acquisition of English language proficiency, including English reading and writing skills.
> (2) A structured primary language component with daily basic skills instruction in the primary language for the purposes of sustaining achievement in basic subject areas until the transfer to English is made.
> As the pupil develops English language skills, the amount of instruction offered through English shall increase,

and "bilingual-bicultural education," defined as

> (b) a system of instruction which uses two languages, one of which is English, as a means of instruction. It is a means of instruction which builds upon and expands the existing language skills of each participating pupil, which will enable the pupil to achieve competency in both languages.
> This instruction shall include all of the following:
> (1) Daily instruction in English language development which shall include:
> (A) Listening and speaking skills.
> (B) Reading and writing skills; ***formal instruction in reading and writing of English shall be introduced when appropriate criteria are met*** (emphasis added).
> ***(2) Language development in the pupil's primary language*** (emphasis added).

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[9] Section 5761.2 (a) of The Bilingual Education Act of 1972. Funding for bilingual education programs was to be given to school districts that were willing to write a project proposal explaining their goals and how they would implement and evaluate the program. The 1972 act was voluntary and school districts needed to comply only if they wanted the small amount of money appropriated for bilingual education programs. For the 1972-73 year, one million dollars was appropriated. This increased to four million in 1973-74.

(3) ***Reading in the pupil's primary language*** (emphasis added).
(4) ***Selected subjects taught in the pupil's primary language*** (emphasis added).
(5) Development of an understanding of the history and culture of California and the United States, as well as an understanding of customs and values of the cultures associated with the languages being taught.

Thus, the state required California school districts to adopt what I call "true bilingual education" or "bilingual education according to the theory." The annual language census also defined bilingual education according to the theory. School districts, however, typically used a broader definition than the state, as evidenced by district materials describing their programs for English Learners, public statements appearing in newspapers, and private statements made to me over the last decade and half about their programs.

Proposition 227

Proposition 227 was approved by the voters of California on June 2, 1998. It required that:

> Subject to the exceptions provided in Article 3 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year.

The vote on Proposition 227 was, by the standards of California propositions, a landslide victory. It passed with a 61 percent majority, winning in every county in California, except San Francisco and Alameda. According to an exit poll conducted by the Los Angeles Times, it won overwhelmingly with whites (67%) and won with a smaller number of Asians (57%) and blacks (52%), but lost with Latinos (37%) (*Los Angeles Times*, June 4, 1998, p. 7F). Latinos had been in favor of Proposition 227 until the week before the election when supporters of bilingual education accelerated their anti-Proposition 227 publicity. After the passage of Proposition 227 on June 2, students in a number of high schools boycotted or threatened to boycott classes. Educational leaders urged calm and compliance.

The Los Angeles Times recommended a "no" vote on Proposition 227 on the grounds that bilingual education was not perfect, but 227 was worse. Others saw the end of bilingual education as nothing short of an educational calamity of gargantuan proportions.

Illustrative of this perspective is the following letter to the editor: "Proposition 227's plan of a one-year "crash course" of "sheltered English immersion" for English learners is based on ignorance of linguistics, ignorance of second-language acquisition research and, most important, ignorance of what actually takes place in a classroom of English-learning students. (letter to the editor, *Los Angeles Times*, John Espinoza, Teacher, May 30, 1998, B-7).

In fact, there seems to have been widespread ignorance on the part of both supporters and advocates of bilingual education of the fact that most English Learners were not in bilingual education. On the other hand, although only 29 percent of all English Learners and 39 percent of elementary school English Learners were in bilingual education across the state, Proposition 227 was certainly a shock to the school districts that actually had true bilingual education programs.

On July 23, 1998 the state board issued emergency regulations to guide school districts in implementing Proposition 227. These regulations remained in effect until November 1998, when the Office of Administrative Law approved them as permanent (de Cos, 1999). What was new for California school districts was obviously not the English instruction for English Learners, but the prohibition against bilingual education and the imposition of a one year time limit for a student to be in a self-contained classroom.

Although the term "sheltered English immersion" was coined by the co-chairmen of the initiative, Ron Unz and Gloria Matta Tuchman, the concept had been practiced throughout

California for more than a decade under the label SDAIE (Specially Designed Academic Instruction in English), Cantonese bilingual education, Vietnamese bilingual education, sheltered English, sheltered U.S. History, sheltered Biology, etc., and in Canada under the term "French Total Immersion," or "French Early Immersion." Yet, a survey of school districts conducted by the State Department of Education (Kitchen 1999) found that many districts reported a need for model programs and effective curricula for implementing the structured English immersion program, despite the decades of experience with very similar programs, albeit with different labels.

Bilingual education is not entirely forbidden by Proposition 227. Parents or guardians may request a waiver for their child to enroll in an alternative course of study where they are "taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law." This was only allowed, however, after the child had been in an English language classroom for 30 days[10] and parents had personally visited the school to request the waiver. The initiative also appropriates $50 million annually for 10 years to provide English language instruction to adults who pledge to tutor school-age children in English. The tutoring provision was added in order to abide by the rule that initiatives must have only one subject. Unz himself simply wanted the state to help parents of English Learners learn English.[11]

Legal Challenges

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[10] According to Kitchen (1999), the CDE legal office has reviewed EC 305, 310, and 311 and concluded that placement in a structured English immersion needs to take place for 30 days only the first year that a parent submits a waiver for bilingual education. However, the parents must personally appear at the school each year to sign a waiver. This is expected to be codified by new proposed Board regulations of February 2002.

[11] Personal communication with Ron Unz, Spring 1998.

When Proposition 227 passed on June 2, it was immediately challenged in court. The state school board, Governor Wilson and state Superintendent of Public Instruction Delaine Eastin were named as defendants in a lawsuit filed in U.S. District Court in San Francisco by the Mexican-American Legal Defense and Educational Fund, the National Council of la Raza, the Southern Christian Leadership Conference, the American Civil Liberties Union and groups representing Asian Americans.[12] The lawsuit sought an immediate injunction to block implementation of Proposition 227 in September 1998, claiming that the initiative violated the civil rights of 1.4 million California children who were not fluent in English, and citing *Castañeda* and a score of other court decisions and federal laws on the civil rights violation.

The state school board refused to consider any waiver requests from school districts wishing to maintain their bilingual education programs. Although the state board has the power to grant waivers from state laws, the legislative counsel argued that doing so would effectively repeal the general intent of Proposition 227 since if the waivers were given for two consecutive years, school districts would not have to reapply for a waiver. A child could then be in a structured English immersion program for more than a year, in contradiction of the voters' wishes. In addition, the California Constitution states that unless an initiative specifically allows the legislature to amend or repeal a law, only the voters may do so. In the case of Proposition 227, the initiative itself states that the Legislature may amend it only to the extent that the amendment furthers the purposes of Proposition 227 and only by a 2/3 vote plus the Governor's approval.

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[12] *Valeria G., et al v. Wilson, et al.* (C98-2252Cal) filed in U.S. District Court, Northern District of California.

Three school districts, Berkeley, Oakland, and Hayward objected to the state board's refusal to hear waiver requests and filed suit on this issue.[13] The California Superior Court sided with the school districts, but the appeals court overturned this and was upheld by the California Supreme Court in December of 1999. As it currently stands, only individual parents, not school districts, can obtain waivers from Proposition 227. If the State Board's proposed regulations of February 2002 are approved by them when they come up for a vote, the group that can request waivers will expand to include teachers.

On July 15, 1999, U.S. District Court Judge Charles Legge ruled that Proposition 227 was constitutional because it was based on a sound educational theory supported by at least *some* experts in the field. This opinion was upheld by the Ninth Circuit Court of Appeals on July 31, 1998. Also on July 31, 1998, in a separate lawsuit, southern federal district court Judge Lourdes Gillespie Baird of Los Angeles ordered the immediate implementation of the initiative in Los Angeles Unified.

In December 1998, a consortium of education groups filed another lawsuit alleging that Proposition 227 was unconstitutionally vague because it required a program that was not specified in detail, yet in Article 5, school board members, other elected officials, administrators, and teachers were held legally accountable for implementing it.[14] This group also lost in federal district court. Thus, to date all statewide legal challenges to Proposition 227 have failed.

Although Los Angeles Unified lost its challenge, two other school districts succeeded. San Jose Unified was able to get a federal district court to agree that they did not have to implement Proposition 227 because it violated their 1994 court approved consent decree,

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[13] *Berkeley, Oakland, and Hayward Unified School Districts v. State Board of Education* (8008105) filed in Alameda Superior Court.
[14] *California Teachers Association et al. v. Wilson et al.* (9896ER (CWx)) filed in U.S. District Court for the central district of California.

Vasquez v. San Jose Unified, requiring bilingual education. San Francisco Unified also interpreted Proposition 227 as being in conflict with their court order, in their case a 1975 consent decree, *Lau v. Nichols*, which ordered bilingual education for Chinese, Filipino, and Spanish English Learners. Unlike San Jose, however, they did not get a court ruling on their interpretation. So far no one has challenged their position.

How School Districts Interpreted Proposition 227

Tables 1.2 and 1.3 compare excerpts from the original Proposition 227 legislation, the entire text of which is in Appendix A, to interpretations of the legislation in three important school districts in California: Los Angeles Unified, San Diego Unified, and San Francisco Unified. These interpretations come from the guidelines handed out to the principals in each school district. Los Angeles and San Diego are the two largest school districts in California and San Francisco is the fifth largest. Together they enroll 23 percent of the English Learners and 13 percent of all the public school students in the state.

These school districts are also representative of the ethnic makeup of the English Learner population in California. Figure 1.1 shows the percentage of English Learners who are Spanish speaking and Vietnamese speaking (the second largest English Learner population) in Los Angeles, San Diego, San Francisco, and the entire state. As shown, the percentage of English Learners who are Spanish and Vietnamese speaking has increased only slightly over the last decade in California and the three major school districts. San Francisco has the smallest Spanish speaking English Learner population with only 39 percent of their English Learner population being Spanish speaking. Los Angeles has the highest with 93 percent of their English Learner population being Spanish speaking. San Diego is in-between at 79 percent. All three districts are similar to the state in having less than five percent Vietnamese, the second largest English Learner population in the state.

The first and most important issue school districts had to deal with in constructing a programmatic response to Proposition 227 was designing a structured English immersion program. All three school districts, Los Angeles, San Diego, and San Francisco, interpreted Proposition 227 as allowing the assignment of English Learners to a regular classroom with extra help such as ESL pullout or tutoring. As shown in Table 1.2, this was called Model A in Los Angeles, Structured English Immersion in San Diego, and English Only in San Francisco. Depending on the size of the school's total English Learner population and the philosophy of the principal, this model could also be similar to a structured immersion classroom if it consisted only of second language learners. In general, however, the school district's implementation guidelines to principals, and the principals I talked to, seemed primarily concerned with the language of instruction, not the organization of the school or composition of the classrooms. They felt they were in compliance with Proposition 227 whether English Learners were in mainstream classrooms or special self-contained structured immersion classrooms, so long as the language of instruction was English.

District administrators in Los Angeles and San Diego also felt that a self-contained classroom with up to 30 percent of instruction in the primary language was in compliance with the requirement to have "*nearly all*" classroom instruction in English. In both school districts, district administrators recommended that students who were assigned to bilingual education in the 1998-99 school year before Proposition 227 was passed should be assigned to 30 percent native tongue classes in order to smooth the transition from bilingual education to structured

Table 1.2
Interpretations of Proposition 227 Requirement for Structured Immersion in Los Angeles, San Diego, and San Francisco
1998-1999

PROPOSITION 227	LOS ANGELES	SAN DIEGO	SAN FRANCISCO
Sheltered English immersion" or "**structured English immersion**" means an English language acquisition process for young children in which *nearly all* classroom instruction is in English, but with the curriculum and presentation designed for children who are learning the language.	**Model B Structured English Immersion:** This model provides instruction *primarily* in English. Students will be taught English language skills in English. Students will be taught subjects using special methods in English combined with primary language instructional support.	**English Language Immersion:** "Because true language immersion is an *additive* program where students do not lose their proficiency in their native language, students will be instructed through their native language for a maximum of 30% of the school day. One *half of the literacy period will be dedicated to literacy and other activities taught through the native language"* …**NOTE:** Schools with bilingual programs previously should implement this model during the 30 day period.	**English Only:** English Language Development and content classes taught using ESL and SDAIE methodologies. Exceeds criteria for Code 300 Et Seq. (Structured English Immersion).
	Model A: Structured English Immersion: This model provides instruction in English. Students will be taught English language skills in English. Students will be taught subjects using special methods in English, with primary language used for clarification, as needed.	**Structured English Immersion:** …"instructed through English language immersion for all, or almost all, of the school day." **NOTE:** Schools that have English learners of mixed language groups and that have previously implemented *Sheltered English programs* should implement this model.	
		SECONDARY SCHOOLS can meet the same requirements if the classes in which the English learner is enrolled *do not exceed two classes in the language other than English.*	

Table 1.3
Interpretations of Informed Consent and Circumstances Justifying Parental Waiver of Proposition 227 in Los Angeles, San Diego, and San Francisco, 1998-99

PROP. 227	LOS ANGELES	SAN DIEGO	SAN FRANCISCO
INFORMED CONSENT			
Parents or legal guardian [must] *personally visit* the school to apply for the waiver..	Parents must visit school to sign waiver. Hardship cases may mail form.	If it is a hardship to visit school, parents can mail in a parent hardship form.	Parents do not have to visit school.
CIRCUMSTANCES OF CHILD			
(a) Children who already know English…; (b) Older children…; or (c) Children with special needs: the child already has been placed for a period of *not less than thirty days* during that school year *in an English language classroom* and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided.	30 days in Model A, Model B, or mainstream during which time schools hold parent meetings. Schools recommend bilingual program for some students.	30 days in structured English immersion, English language immersion, or mainstream during which time schools hold parent meetings. Schools recommend bilingual program for some students and parents visit school to sign waiver.	It is not necessary to place an LEP child in an English language classroom for 30 days before assigning to bilingual education because the "Lau Consent Decree orders bilingual education." Assignment to bilingual education, however, must be approved by parent in form mailed to district. Choices on the form are types of bilingual education.

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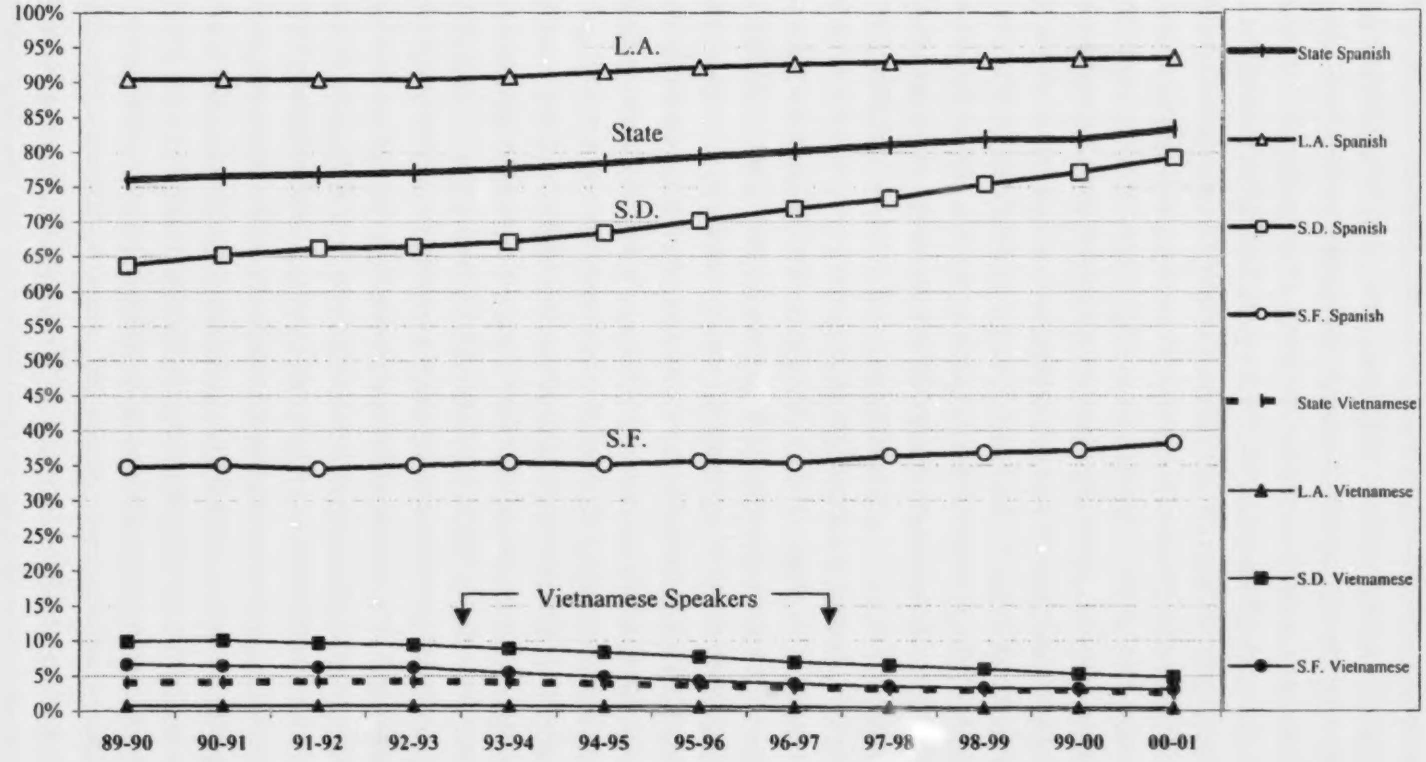
Figure 1.1
Percentage of English Learners who are Spanish or Vietnamese Speakers in Los Angeles Unified, San Diego City Unified, and San Francisco Unified and the State, 1989-90 to 2000-01



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immersion. Since San Francisco was not implementing Proposition 227, it did not have this 30 percent native tongue model.

Despite the fact that San Diego has a superintendent who purportedly supports sheltered English immersion, its interpretation and practice comes closest to subverting the intent of the law. Spanish speaking English Learners are being taught to read and write in Spanish in San Diego schools. Indeed, in my visits to two San Diego schools in September 2001, I discovered that kindergarten Spanish speaking English learners who had just entered school and knew no English were being assigned to classrooms called "waivered bilingual" during the first 30 days and were being instructed virtually entirely in Spanish during this time period in violation of the law. At one elementary school visited in 2001, I asked a teacher who was teaching in Spanish in the afternoon why she was not following the schedule that showed that this time period was for English. I was told that she had not covered all the Spanish learning activities she had planned for the morning and so they were finishing them in the afternoon. At least that day, there would be no English instruction for her students, again in violation of the law.

Only San Diego had an explicit policy at the secondary level. A secondary program would be in compliance if no more than two classes were in the native tongue. However, the secondary schools I visited in San Diego were not able to offer more than one class in Spanish. One junior high school with a large Spanish speaking English Learner population had no classes in Spanish.

After one month in an English language classroom, the parents of English Learners could obtain a waiver to enroll their child in bilingual education. Individual schools in which 20 students or more of a given grade level received a waiver must offer bilingual education or "other generally recognized educational methodologies permitted by law" or allow students to transfer to another public school in order to enroll them in bilingual education or "other generally recognized educational methodologies permitted by law."

Table 1.3 shows varying interpretations of the requirement for parents to personally visit the school and the circumstances justifying a parental waiver to enroll a child in an alternate course of study, which in most cases was bilingual education. Although San Francisco did not require parental visits since it was not implementing 227, it did require parents to mail in a form approving their child's assignment to bilingual education. Los Angeles and San Diego seem to have followed the letter of the law, although they both allowed hardship cases to mail in their waiver requests.

In San Francisco, students recommended for bilingual education in 1998-99 were immediately assigned to such a program without the 30 day waiting period. Los Angeles, San Diego, and other school districts followed the law as they interpreted it. Despite the fact that San Diego Unified has a superintendent who purportedly supports sheltered English immersion, San Diego is closer to the traditional bilingual education model than is Los Angeles.

Proposition 227 allowed parental waivers to enroll a child in an alternate course of study for the following children:

a) children who already know English
b) older children
c) children with special needs
    - who had been placed in an English language classroom for at least 30 days ***and***
    - whose special physical, emotional, psychological, or educational needs had been documented by the school principal and educational staff
    - who believed "an alternative course of educational study" would better suit the child's "overall educational development."

Although Proposition 227 indicates a special need must be carefully documented before a child can be waivered, the school districts I visited required only that school staff recommend the waiver and that the parents consent. On the other hand, according to Kitchen (1999), 32 percent of school districts reported that they did not inform parents of their right to request a waiver. These were typically school districts with a low number of English Learners where it would not have been possible to form a bilingual education class even if a parent had signed a waiver.

Gandara, et al. (2000) also reports widely varying interpretations of the legal requirements of Proposition 227 among the 16 school districts in their sample, although they provide no systematic listing of these interpretations. Interestingly, Oceanside which has received considerable publicity over its alleged improved test scores, has been singled out by the state as a district that did not comply with Proposition 227.

The complaint against Oceanside was brought in July 1999 by Deborah Escobedo, an attorney for the Multicultural Education Training and Assistance, Inc. (META), a pro-bilingual education advocacy group. After a year's investigation, the California Department of Education released its report (CDE, 2000) finding Oceanside guilty of 10 violations of state law:

1. Failure to establish site and district-wide LEP Parent Advisory Committee;
2. Failure to provide services to LEP Children in accordance with state law to ensure that they are acquiring English language proficiency and recouping any academic deficits, which may have been incurred in other areas of the core curriculum. (Ed. Code Sections 305, 306, 62002, and 5 CCR Section 11302);
3. Failure to establish educationally sound and consistent criteria to determine when an LEP student has achieved a "good working knowledge of English" or a "reasonable fluency in English." (Ed. Code Sections 305 and 306, 5 CCR Section 11302);
4. Failure to establish a plan that describes how any academic deficits will be monitored and overcome or to ensure that actions to overcome academic deficits are taken before deficits become irreparable. (Ed. Code Sections 305, 306, 62002, and 5 CCR Section 11302);
5. Failure to ensure that parents were timely and properly informed of the placement of their child in a structured immersion program and of the opportunity to apply for a parental exception waiver. (Ed. Code Sections 310, 311, and 5 CCR Section 11303);
6. Failure to provide a timely and full written description of the structured immersion program and different educational program choices (to the extent they exist) and all educational opportunities offered and a full description of the educational materials to be used in the different options. (Rd. Code Sections 310, 311, and 5 CCR Section 11303);
7. Failure to establish alternative programs as mandated by Ed. Code Sections 310, 311, and 5 CCR Section 11303);

8. Failure to timely establish criteria and procedures for granting parental exception waivers. (Education Code Sections 310 and 311);
9. Failure to grant waivers to children for whom an alternative course of educational study would be better suited for their overall educational development. (Ed. Code Sections 310, 311, and 5 CCR Section 11303); and
10. Failure to provide alternative programs even in those few instances (5 out of 154 requests) when a waiver was granted; (Ed. Code Sections 310, 311, and 5 CCR Section11303).

Given the vagueness of state law and regulations, however, there are probably many school districts that could be found guilty of these violations. On the issue of parental notification of their right to a waiver, the state acknowledged that Oceanside did notify parents of their right to a waiver and that the district had guidelines for doing so, but in the opinion of the CDE this was not done in a "clear" or "timely" manner (CDE: 20).

Proposition 227 does not require that school districts notify parents of their right to a waiver. It says only that:

> The requirements of Section 305 *may* [emphasis added] be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified below and in Section 311.

The *requirement* to notify parents of their right to a waiver from 227 was added by the State Board of Education in their July 23, 1998 Emergency Regulations. Indeed, the State Board requirements are quite lengthy and complicated and take up a page and a half of the Emergency Regulations. It is the State Board regulations by which Oceanside was judged.

The CDE also faulted Oceanside because "although teachers and parents who were interviewed by the CDE reported that many students needed bilingual instruction, only five percent (5%) of 144 waiver applications submitted by parents were approved" (CDE: 21). In addition, parents provided evidence to CDE that these children were not doing well academically (CDE: 22). If this is the standard, most school districts in California with English Learners are vulnerable to being found in violation of state law since, as explained below, English Learners are, by definition, low achievers. Indeed, the document is general enough that its allegations could be applied to most school districts with substantial numbers of English Learners and few students in bilingual education.

In response to these allegations, Oceanside is currently undergoing a process called *Comite*, that was originally established in 1987 as a result of a court decision called *Comite De Padres De Familia v. Honig* (1987) 192 Cal.App.3d 528. That court order required that the California Department of Education monitor the implementation of state legislation and regulations. Oceanside is undergoing this process which involves an in-depth self-study, CDE observation, training, and on-site visits, and compliance documentation. The process does not end until Oceanside can provide substantial compliance. It is ironic that one of the few school districts implementing the most important aspect of Proposition 227—that English Learners be educated in a sheltered English immersion classroom—is under surveillance while school districts, such as San Diego, with important violations of this requirement of Proposition 227 are ignored by the CDE.

The Time Limit in a Self-Contained Classroom

One of the most controversial aspects of Proposition 227 has been the one year limit on being in a self-contained program. As shown in Table 1.4, the state board of education essentially rewrote this part of Proposition 227. Although Proposition 227 stated that enrollment in a structured immersion classrooms was for a "temporary transition period" not normally to exceed one year, the state board unilaterally lifted the one year limitation by stating that students

Table 1.4

Interpretations of Definition of English Learner and Time Period of Sheltered English Immersion Program in Emergency State Board Regulations (10/98), Los Angeles, San Diego and San Francisco, 1998-99

PROP. 227	STATE BOARD 10/98	LOS ANGELES	SAN DIEGO	SAN FRANCISCO
TIME PERIOD OF SHELTERED ENGLISH IMMERSION PROGRAM				
a temporary transition period *not* normally intended *to exceed one year*… Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms.	11301(c) An English learner may be re-enrolled in a structured English immersion program not normally intended to exceed one year if the pupil has not achieved a reasonable level of English proficiency as defined in Section 11301(a) unless the parents or guardians of the pupil object to the extended placement	Students who are not able to achieve reasonable fluency (ELD level 5) within one year of structured English immersion will take more time and, with parent consent, will receive *an additional year* of structured English immersion.	Proposition 227 *requires* all English learners to receive "Sheltered English Immersion" *for at least one year*. If the student does not develop a good working knowledge of English by the end of that year, the student, *with yearly parental approval, may continue receiving that instruction*.	…an intensive English program *for at least one year*
DEFINITION OF ENGLISH LANGUAGE LEARNER				
"English learner" means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a Limited English Proficiency or LEP child	…as measured by any of the state-designated assessments approved by the California Department of Education, or any locally developed assessments.	NEP or LEP scores on PRE-LAS, LAS or BINL; remain LEP if below 36th percentile on a standardized norm-referenced test of reading and language; or NEP or LEP on LAS-O		NEP or LEP score on LAS I English (oral) proficiency test and LAS Literacy; remain LEP if below 36th percentile on CTBS in reading and math; below C on report card in core courses; below advanced or transitional on LALAR; below level 3 on writing assessment

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Table 1.5
State Board of Education Proposed Regulations Regarding the 30 Day Time Period and Who Can Initiate Waivers,
February 2002

PROP. 227	STATE BOARD
Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom	11309 [formerly 11303] (c) (2) …Once a waiver has been granted and a pupil has been enrolled in an alternative program, *the pupil does not have to be placed in an English language classroom for another 30-day period* in subsequent years, as long as the pupil is enrolled in the alternative program. The waiver must be renewed on a yearly basis.
The requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child.	11309 © (4) Pursuant to Education Code sections 311(b) and (c), the *school principal and educational staff may initiate a waiver* request or they may recommend a waiver to a parent. Parents and guardians must be informed in writing of any waiver request for an alternative program initiated by the school principal and educational staff and must be given notice of their right to refuse to agree to the waiver.

may be *re-enrolled* in a structured English immersion program …*if* the student has not achieved a reasonable level of English proficiency.

The proposed regulations that failed to pass on May 30, 2002 were, as shown in Table 1.5, merely a codification of the CDE legal staff's interpretation that English Learners who receive a waiver and are placed in an alternative program only need to be in a 30 day English program the first time they enter school. Proposition 227, however, states that this must be done during *that* school year which implies each school year, although it is not as clear as it could be. The threat of a lawsuit from Ron Unz is credited with the ultimate defeat of the proposed regulations (Associated Press, 2002). Nevertheless, the practice that these regulations were to codify is expected to continue—English Learners are only required to be an English language classroom the first year they enroll in school—despite what Proposition 227 seems to say.

The state board's proposed 2002 regulations would also have allowed principals and educational staff to initiate waivers, in addition to parents. As discussed below, this has in fact been common practice. Proposition 227, however, specifically gave only parents the right to initiate waivers. Although the proposed regulations were defeated, the practice continues.

Thus, the law has been dramatically changed by administrative fiat and apparently without protest. Los Angeles, San Diego, and San Francisco have followed the board's lead and instructed their principals that the one-year limit in a self-contained classroom is a minimum, not a maximum. Furthermore, whereas Proposition 227 eschewed tests and defined an "English learner" as someone "who is not currently able to perform ordinary classroom work in English," the State Board of Education has unilaterally changed the standard for defining a child as an English Learner to "as measured by any of the state-designated assessments approved by the California Department of Education, or any locally developed assessments."

The State Department of Education has also recently made it *harder* for a child to be reclassified from English Learner to Fluent English Proficient, not easier (if the school districts actually follow their recommendations). Whereas prior to Proposition 227 a typical standard for reclassifying a child was the 36th percentile, according to the 2000-2001 Coordinated Compliance Review Training Guide, it is now

> Each former English learner (EL) who has been redesignated fluent English proficient (FEP) has demonstrated English-language proficiency comparable to that of the *average* [emphasis added] native English speakers and can participate equally with average native speakers in the school's regular instructional program (California Department of Education, 1999, Sec. I-EL1, p.156.)

This means the standard for fluent English speaking is higher for English Learners than it is for native English speakers. On average, across all school districts only *half* of all native English speakers will be below average, but the state is requiring *all* English Learners to be above average before they can be considered fluent English speaking. In short, raising the redesignation criteria would make redesignation rates decline even if nothing else changed.

2. Designating a Child Limited-English-Proficient or English Learner

Not only is there confusion and disagreement over what bilingual education is, what structured English immersion is, and what Proposition 227 requires, but there is confusion and disagreement over what an LEP student, or English Learner, is. Children who come from a home where a language other than English is spoken are language minority children. But, not all language minority children are designated English Learners. School districts in California, and every other state, establish a test score criterion to determine whether a child from a language minority family is limited-English proficient or English Learner. Language minority children who score above this criterion are designated English-Only or fluent English proficient. It is only those language minority children who score below this criterion who are deemed to be English Learners. In short, English Learners are, by definition, low scorers in English. If they are not low scorers in English, they have been improperly classified. Once designated English Learner, the same test score criterion determines whether they can be redesignated Fluent English proficient (FEP).

This report addresses this issue because the basic process by which a child is designated an English Learner, or redesignated Fluent English Proficient, did not change with the implementation of Proposition 227. The only thing that has changed is that beginning May 14, 2001 all school districts will have to use the same English proficiency test, called the California English Language Development Test (CELDT), to determine if a language minority child is an

English Learner. The test is published by CTB/McGraw Hill and is purported to be an adaptation of the LAS test to the new California ELD standards.[15]

The public assessment of the success of bilingual education was often based on redesignation rates that depended on the criterion chosen. The same thing has occurred with Proposition 227. In a debate between Ron Unz and Catherine Snow, Unz cited redesignation rates before Proposition 227 as an example of the failure of bilingual education and Snow responded with statistics showing little improvement with Proposition 227 as of 1999-00.[16] Neither of them seemed to care that statistics were being misused so long as they could be used as ammunition in the battle.

The state has only added to the confusion. The CDE report on Oceanside faulted the district for a declining redesignation rate:

> Data available to the CDE (R-300LC) indicated that the number and percentage of English learners in Oceanside meeting the district criteria for redesignation has generally decreased from 1996-2000. Specifically, the percentage of English learners meeting district redesignation criteria for fluent English proficiency status dropped from 7.9% in 1996 to 4.1% in 2000 (CDE, 2000:30).

This drop could have occurred solely because the test changed or the criterion changed. Because the state, other policymakers, and the public insist on misusing redesignation rates to make judgments about program quality, it is important to understand the designation and redesignation process in order to understand why such conclusions are often wrong.

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[15] Information on the testing program and ELD standards can be found at http://www.cde.ca.gov/statetests/eld/eld.html.
[16] See Mary Ann Zehr, "California's English-Fluency Numbers Help Fuel Debate," *Education Week*, December 5, 2001.

The Designation Process

The process of designating a student as limited-English-proficient is basically the same throughout the United States, although the specific instruments used in the process vary from school district to school district. The process is reducible to two steps: (1) a home language survey is administered to all students to identify the pool of potential English Learners; and (2) the students identified in the home language survey are tested on several measures of academic performance in English, and sometimes in their native tongue, and classified accordingly.

The decision to exit a student from bilingual education or special language assistance involves procedures similar to those used to determine eligibility. Students are redesignated fluent English proficient (FEP) if they score at or above a certain score or percentile on an English language test that has been normed on an English speaking population. The decision to redesignate is tempered by either the child's classroom teacher or a team of professionals employed by the school district.

The Home Language Survey

The home language survey is the first step in the process of identification of students as English Learner. Parents are asked to respond to questions about the language the child first spoke, the language(s) used in the home environment by the child to various family members and to friends, and the languages used by people living in the home. Typically, if a parent's answer is a language other than English for any *one* of these questions, they are considered potentially English Learner and referred for testing. The questions are intentionally broad because their goal is to identify children who come from language minority backgrounds—that is, a home where a language other than English is spoken, not children who are limited in English.

Norm-Referenced Tests

The over-inclusiveness of the home language survey would not be a problem if the subsequent steps accurately identified who was not fluent in English. Unfortunately, they do not. On the other hand, were it not for the home language survey, many fluent English speaking, and even English monolingual, children would be designated English Learner by the tests that are used.

Children identified by the home language survey must take a standardized test normed on an English speaking population. The first norm referenced test they take is an English proficiency test. If they fail the English proficiency test, they are then classified Limited English Proficient or English Learner. If they pass the English proficiency test, they still have another chance to be classified Limited English Proficient or English Learner. Most school districts require a child who has passed an English proficiency test to take a standardized achievement test of reading, language, and math in English. If they are Spanish speakers, they may also take these tests in Spanish. These are the same tests English Learners will take later when being evaluated for reclassification to fluent-English-speaking.

A point on the scale for the standardized achievement test, typically between the 20th and the 50th percentile, or a specific ordinal score that is equivalent to a score in this range (e.g. 5 on a scale of 1 to 10),is selected as the point at which a student is defined as an English Learner. Across the entire norming population of English speakers, any criterion chosen will classify children who are fluent in English as limited English proficient or English learners.

Until 1998-99, the California Code of Regulations required one of the following tests and procedures of "proven validity and reliability":

> (i) norm referenced tests with cut-off scores of not less than the thirty-sixth percentile based on *national norms* [emphasis added] or on the distribution of scores derived from a representative pupil sample of *nonminority English proficient students* [emphasis added] of the same age and grade; or
>
> *(ii)* norm referenced tests with cut-off scores between the thirty-first and thirty-fifth percentile based on *national norms* [emphasis added] or on the distribution of scores derived from a representative pupil sample of *nonminority English proficient students* [emphasis added] of the same age and grade *provided that the school or district's language appraisal team, with the pupil's parents' or guardians' agreement, judges the pupil to have English language skills necessary to succeed in an English only classroom.*
>
> (iii) in the case that the frftieth percentile of the nonminority district population of the local educational agency is lower than the thirty-sixth percentile of the national norm, the cut-off score shall be no lower than three percentile points below the local norm; or
>
> (iv) standardized criterion referenced tests for basic skills assessment, including curriculum mastery of language arts, reading, writing, and mathematics at grade level equivalent to nonminority pupils provided that such procedures are approved by the Department…(section 4307).

The regulations allowed school districts to override the test scores in redesignating students if the student had been in a bilingual education program for at least three years and had received English instruction for at least a year. There is no data on how many school districts used this option.

Reliance on the test scores keeps redesignation rates low because it is not possible even for all English proficient students to achieve the score that classifies them as fluent English proficient. If the designation criterion is the 36th percentile, or its equivalent on an another scale, across all districts we would expect at least 36 percent of the norming population of English proficient students to be designated "limited in English" or "English Learners" and to maintain that designation over time so long as they are making grade level progress. This is a mathematical principle. While it is possible for any individual child or school district to have all their children reach the 36th percentile, or some absolute number on another scale on a language proficiency test, it is not possible for all districts and children to do so.

The new CELDT, an adaptation of the LAS, has five categories of English proficiency: beginning, early intermediate, intermediate, early advanced, and advanced which are constructed from raw scores that range from 0 to 70 or scale scores that range from 220 to 710. The text publisher's recommended cut-point for designating a child as English Learner is below "Early Advanced," which corresponds to a scale score of 506 for a kindergarten student, 517 for a first grader, and so forth. Because the test is normed on an English speaking population, this cut-point, and indeed *any* cut-point, will classify English proficient students as English Learners.

Although across the entire norming population, 36 percent will score at the 36th percentile or below, children who are poorer than the norming population will tend to have a higher percentage scoring at or below the 36th percentile. Figure 2.1 shows that, on average, English Learners are substantially poorer than non-English Learners.[17] The percentage of English Learners who are poor is 71 percent and the percentage of currently, or formerly, English Learners who are poor is 65 percent. By contrast, the percentage of never-English Learners who are poor is only 20 percent, about 1/3 lower than the English Learners.

To understand how this affects norm referenced test results, we need to look at the relationship between poverty and test scores in an English speaking population. Figure 2.2 compares the percentage scoring at or below the 36th national percentile in vocabulary, reading comprehension, math analysis, and math computation on the CAT5 in Spring 1997 in the same school district shown in Figure 2.1. Across the entire population of fluent English speakers,

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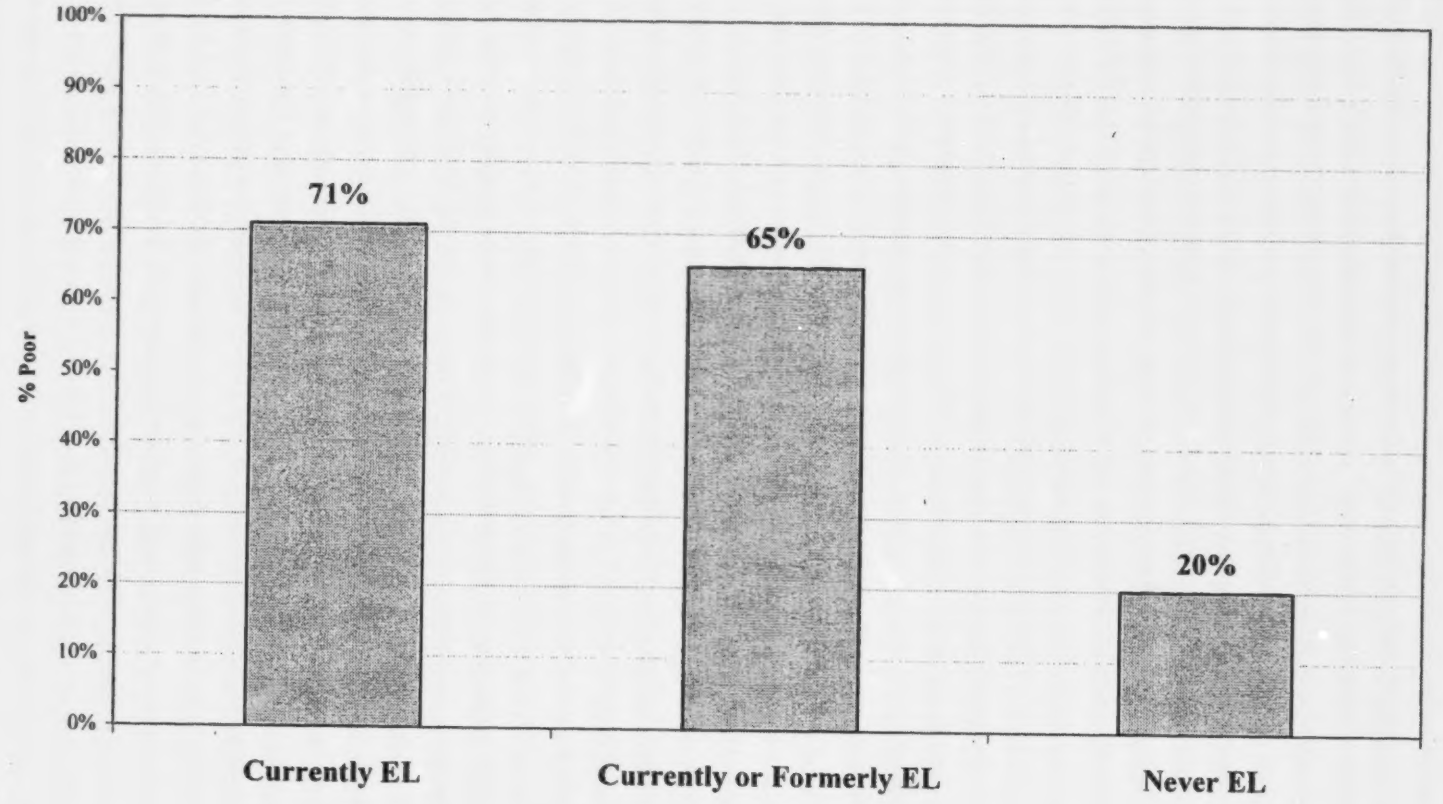
[17] This figure presents data on the percentage of students on free or reduced lunch by English Learner status in Spring 1997 calculated from individual student records obtained from a California school district.

Figure 2.1
Percentage Poor in a California School District by English Learner (EL) Status,
Spring 1997



between 24 percent and 35 percent score at or below the 36th national percentile, a little better than the national norming population.

The reverse is true for poor students, however. Between 46 and 60 percent of fluent English speaking, poor students score at or below the 36th percentile, a much higher percentage than the national norming population (36 percent) and the local district population (24 to 35 percent). Although the poor students in Figure 2.2 are fluent English speakers, 1/4 to 1/3 would be classified as limited English proficient if they had to take the achievement tests that children from language minority families must take for designation and redesignation purposes.

What these data suggest is that because English Learners are typically poorer and have fewer family resources than the norming population, if the redesignation criterion is the 36th percentile, or its equivalent on another scale, on average, about half of English Learners will never get redesignated no matter how good the program and how proficient they are in English. While any individual school district might deviate from this pattern if their population is unusual, the typical school district will exhibit these outcomes and across all school districts this is the pattern that will be observed.

An important question is why school administrators establish criteria for limited English proficient students that cannot be met by even the entire English speaking population. One reason is ignorance. Educators seem to have been misled by the constant criticism they receive from intellectuals, policymakers, and reporters who castigate them for such as sins as having "only half their students at grade level." In my discussions with school personnel, I have found them to be almost universally ignorant of the fact that nationally it is only possible to have half the student population at grade level.[18]

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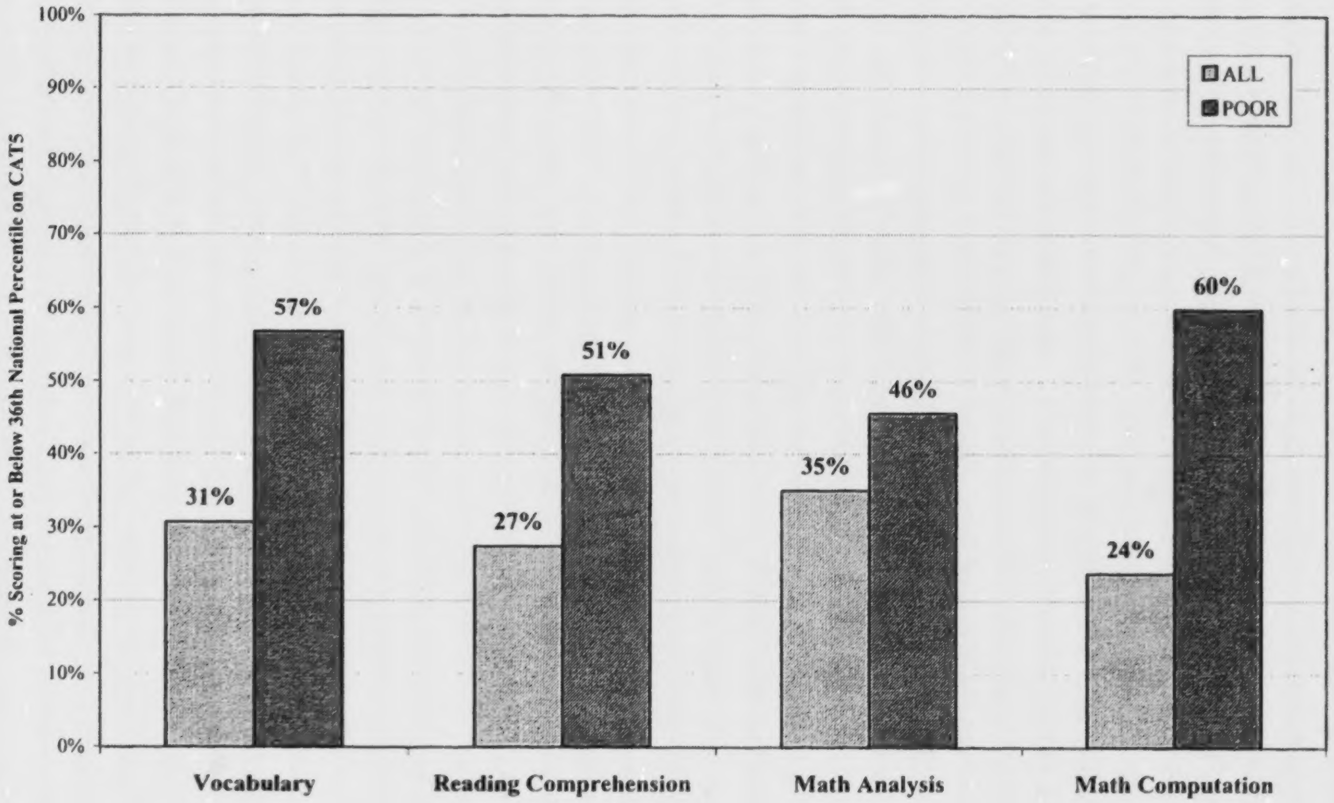
[18] The concept of grade level and reading below grade level is almost universally misunderstood, not only by laymen, but by educators. Grade level is simply the average achievement for a particular grade, it has no "absolute"

Figure 2.2

Percentage of Fluent English Speaking Children Scoring at or Below the 36th Percentile on CAT5 by Poverty Status in a California School District, Spring 1997



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Another reason why people adopt a standard for English Learners that typically cannot be met by 36 percent of the students in their school district is confusion. Educators apparently believe that children who score below average—often any score below the 50th percentile--are children who are in academic difficulty. Since the home language survey identifies those who are from a home where a language other than English is spoken, many educators believe that setting a standard such as the 36th or 40th or 50th percentile, or its equivalent on another scale, identifies children who are academically in trouble because they come from a home where a language other than English is spoken.

This is, however, wrong. The 40th percentile is that point at which 40 percent of the population scores—no more and no less. All of the students, including those scoring below the 40th percentile, could be extremely smart and highly knowledgeable (let us say by comparison to previous generations). Conversely, all the students including those scoring above the 99th percentile, could be stupid and ignorant (let us say by comparison to previous generations). We just can't tell from scores computed for the purpose of differentiating children. They are rank orders, not absolute standards, a fact which is usually not known, or if known, forgotten.

The final reason why school districts adopt a standard that cannot be met by all of the student population is that the law requires them to do it. Compliance is undoubtedly further secured by the fact that a school district receives more money to help children if it declares its low achieving students to be English Learners. Thus, there is little incentive to question the process or the test criteria.

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meaning. It is not possible, for example, for all students in the norming population to be at grade level because it is not possible for all students to be at or above average, only half can be.

Oral Proficiency Tests

In virtually every school district in the country, students identified by the home language survey as potentially English Learner have to take an oral proficiency test and if they are older (i.e. assumed to be literate) a written English proficiency test. Typically a kindergarten and often a first grade student will take only an oral proficiency test.

On the face of it, oral English proficiency tests would seem to be better than a written test at determining whether a child knows enough English to function in a regular classroom because the child doesn't have to know how to read or write to take an oral proficiency test. Unfortunately, oral English proficiency tests are no better than written English proficiency and standardized achievement tests, and for many of the same reasons. Although they appear to be on a different scale, they are nevertheless norm referenced on English speakers. Moreover, oral proficiency tests have some additional problems that written proficiency tests do not have. In oral tests, students are asked questions that require they not only know English, but understand and remember the question and have the self-confidence to stand up to a stranger when the question is not understood.

The Research on English Proficiency Tests

The state of California approves the following English proficiency tests: the BINL, BSM I/II, Pre-IPT, IPT I/II, pre-LAS, LAS I/II, the Woodcock-Muñoz Language Survey, and the QSE. This list, which did not change with the passage of Proposition 227, is in Appendix E with the acronym, complete name, and description of each test. As noted above, the State Superintendent of Instruction selected the LAS as the foundation for the statewide test for English Learners in accordance with AB 748, enacted in 1997, which requires that tests assessing English Learners be aligned with state standards for English language development. Although school districts can continue to administer any of the state approved English proficiency tests in Appendix E if they wish, they *must* administer the California ELD test.

All English proficiency tests, including the LAS and its reincarnation as the CELDT, are problematic in both their written and oral forms. Their oral versions are known to be unreliable—that is, you cannot get the same outcome in subsequent tests of the same child--and invalid—that is, they do not accurately determine who is limited-English-proficient (Baker and Rossell, 1987; Rossell and Baker, 1988). Like standardized achievement tests administered to the English speaking student body and written English proficiency tests administered only to the English Learners, oral proficiency tests cannot tell the difference between a student who does not know English and a student who does not know the answer. They are normed on an English speaking body and the same arbitrary cut-off points are used. Any cut-off point will classify children who know no language other than English as "English Learners."

Nor will testing in the native tongue clear up all misclassification problems. Students who score low in English, often score low in their native tongue because the tests in different languages are norm referenced and tap general intelligence in that language, as well as whether you can speak and understand the language in the colloquial sense. Someone with a low academic ability in Spanish is likely to have a low academic ability in English. Illustrative of the problem is a study of relative language proficiency among a sample of Hispanic students in California by Duncan and De Avila (1979). A majority (54) of the 101 students classified by the Language Assessment Scales (LAS) as limited or non-proficient in Spanish were also classified as limited or non-proficient in English. Of the 96 students found to be limited or non-proficient in English, less than half (42) were considered proficient Spanish speakers according to their Spanish test score.

Ulibarri, Spencer and Rivas (1980) investigating the comparability of three oral English proficiency tests used in California (the LAS, BSM, and BINL) concluded that language classification is a function of the particular test used with each test identifying different numbers of eligible students. Studies by Gillmore and Dickerson (1979), Cervantes (1982) and Pelavin and Baker (1987) have similar results. They also find that the lack of agreement in classification is greatest when the student knows some English, in particular when a reclassification decision is being made.

Berdan, So, and Sanchez (1982) administered the Language Measurement and Assessment Instrument (LM&AI) to Cherokee students at the request of the Cherokee Nation to determine the need for Cherokee bilingual education. Through home interviews, Berdan et al. found that 82 percent of the Cherokee students were English monolinguals. The LM&AI, however, classified 48 percent of these monolingual English-speaking children as limited-English-proficient presumably in need of instruction in Cherokee so they could improve their English. In 1984, the U.S. Department of Education had the LM&AI administered to a nationally representative sample of monolingual English speaking school-aged children. The test classified 42 percent of them as limited-English-proficient (US Bureau of the Census Data, 1984).

A similar experiment in Chicago (Perlman and Rice, 1979) suggests that the problem of over inclusiveness of the tests is not limited solely to low achieving students. Administrative staff of the Chicago School District administered the LAS to students who spoke only English and were above the citywide ITBS norms in reading. Almost half of these above average monolingual, English speaking children were misclassified as non-or-limited English speaking. Moreover, there is a developmental trend. Seventy eight percent of the English monolingual five year olds, but only 25 percent of the 14 year olds were classified LEP.

Another state approved proficiency test is the IPT. The IPT begins with apparently simple questions put to the child about him or herself (e.g. name, age, etc.) and then progresses to questions about pictures the child is shown and then to oral stories the child must understand and remember. Teachers can only repeat a question once. The items that involve listening to a story, understanding what was heard, and remembering it, are not to be repeated at all.

Ramirez, Yuen and Ramey (1986) analyzed the reliability of the IPT. Reliability has to do with whether an instrument can give you the same answer in repeated tests. They found that of 573 kindergarten students classified as Non-English-Speaking, Limited-English-Speaking or Fluent-English-Speaking in the fall of 1984, 236 had moved up one category, 238 had stayed the same, and 99 had moved down one category or more two years later in the Spring of 1986. Thus, according to the IPT not only has 40 percent of the sample made *no* progress in English over two years, but 17 percent know *less* English than when they began. Similar results are found with students in higher grades. Of 232 first graders classified Non- or Limited-English-Proficient in the fall of 1984, 50 percent made no progress over two years and 13 percent knew less English than when they began according to the IPT. Of 123 third graders classified Non- or Limited-English-Proficient by the IPT in the Fall of 1984, 48 percent seemingly made no progress and 7 percent knew less English than when they began. In short, the IPT is unreliable.

I am also familiar with a particular instance of misclassification in California using the IPT. Misclassification deals with the issue of validity. An English proficient test is valid if it can accurately determine who is limited-English-proficient. In 1988, the principal of an elementary school in the Berkeley Unified School District, upset over the State Department of Education's compliance review, decided not to wait for the results of the home language survey before testing students. She tested all new Spanish-surnamed students in her school with the IPT.

The five year old child of a professional Hispanic family in Berkeley was administered the oral IPT in the mass testing that occurred in 1988. Although this child knows no language other than English, he failed the IPT, was classified limited-English-proficient, and assigned to the Spanish bilingual program. When the family received the notice, the mother called the school, informed them of their mistake, and was allowed to withdraw her child from the bilingual education program. But what if the mother had not been a fluent-English-speaker and an assertive professional who understood that a mistake had been made? There is a good chance that this child would have been assigned to the Spanish bilingual program and taught in a language he did not know. A year later this same child who at age 5 had been classified LEP by the IPT, was classified "gifted" on the basis of a standardized achievement test. Thus, it is possible for a gifted kindergarten child to fail an oral English proficiency test and be classified limited in English.

Although much of the research on English proficiency tests that I have cited was conducted more than a decade ago, it is still relevant today because the tests and the way they are used have not changed in any important way since they were first created. Nor are they likely to change in the future since the new state ELD test is just an adaptation of the LAS.

To summarize, the research evidence indicates that language proficiency tests are unreliable and invalid and there is a good deal of disagreement between the different types, particularly when the students tested speak some English. The tests over identify students as

English Learner because they cannot tell the difference between a student who does not know English and a student who does not know the answer or who refuses to answer.

Teachers are better than tests in determining whether a child is proficient in English, but even they make mistakes and for the same reasons (Russell and Ortiz, 1989; SWERL, 1980). Like the tests, teachers can become confused as to whether a child does not understand English or does not know the answer, particularly if the teacher does not know the child very well.

Some school districts also do a primary language assessment. This typically only occurs for the Spanish speakers as there are commercially produced Spanish language proficiency tests, but few or none for other languages. The purpose of the primary language assessment is to increase the accuracy of the designation process by eliminating low scorers who are English monolingual. The California Code of Regulations, section 4305, for example, states that low scorers in English who are found to have *no* proficiency in their "primary" language need not be considered English Learners.

Dual language testing reduces error, but it does not eliminate it because tests in two different languages are not equivalent. The 36th percentile on a Spanish proficiency test is not the same ability level as the 36th percentile on an English proficiency test. For one thing the tests are normed on different populations—Spanish-speakers in the case of a Spanish proficiency test and English speakers in the case of an English proficiency test—and for another we do not know how to make questions equally difficult in two languages.

Even if we were able to, few educators would be able to resist concluding that a language minority student who scores at the 10th percentile in Spanish and the 11th percentile in English is limited English proficient. Most educators appear to believe, incorrectly, that a low test score has some absolute meaning.

Even if a language minority student is accurately identified as English Learner upon entering the school system, a classification criterion of the 36th percentile, or its equivalent on an ordinal scale, guarantees that if the students are similar in social class and family environment to the norming population of English proficient students, 36 percent of them will never get *redesignated* fluent English proficient no matter how good the program is and no matter how proficient they are in English. If they are lower in social class and family environment than the norming population, more than 36 percent will never get redesignated.

Moreover, the cut-off point can be manipulated to produce more or fewer English Learners. If a school district or state changes their criterion from the 20th to the 40th percentile as New York City did in 1989, they can in one fell swoop double the number of limited English proficient children (Rossell, 2000b). As Valdés and Figueroa (1994) note about English proficiency tests:

> So great indeed were the discrepancies between the numbers of children included in NES [non-English-speaking] and LES [limited English speaking] category by different tests that cynical consultants often jokingly recommended one "state approved" instrument or another to school districts depending on whether administrators wanted to "find" large or small numbers of LES children (p. 64).

They conclude, "The field is no more close to developing means for assessing whether a child can or cannot "perform" satisfactorily in an all-English program than it was in 1964" (Valdés and Figueroa, 1994:66).

Because of these problems, Proposition 227 says only that:

> Once English learners have acquired *a good working knowledge* [emphasis added] of English, they shall be transferred to English language mainstream classrooms (Article 2, sec. 305)
>
> English learner" means a child who does not speak English or whose native language is not English and who is *not currently able to perform ordinary*

> *classroom work in English* [emphasis added], also known as a Limited English Proficiency or LEP child (Article 3, sec. 306 (a)).

The CDE has interpreted this to mean that they can continue to use detailed and explicit test score standards that are known to classify English monolingual children as "English Learners." Their report on Oceanside suggests that little will change with the new CELDT, except that every school district will be using the same flawed test.

The English Learner Population in California

Table 2.1 shows the percentage of all students and the percentage of each ethnic or racial group by school level who are designated English Learner in 1997-98, the year before Proposition 227, and English Learner in 2000-01, the latest year for which we have data in California. These data show that in 1997-98, 25 percent of the California public school enrollment was officially designated English Learner by their school districts (col. 1, bottom row) and this has not changed in the three years since Proposition 227 was implemented.

The percentage is higher at the elementary level than the secondary level—31 percent of elementary school students are English Learner compared to 18 percent of secondary students. Again this has not changed with the passage of Proposition 227. The difference between the elementary and secondary English Learner percentages occurs for two reasons. First, as the Perlman and Rice (1979) study found, English proficiency tests are more difficult for elementary school students than secondary students even when the children are English monolingual children. In their study, seventy eight percent of the English monolingual five year olds, but only 25 percent of the 14 year olds were classified as limited English proficient by the LAS proficiency test. Second, there are children who are born in this country to non-English speaking families who enter school not speaking English. They, and the cohorts of 1, 2, 3, and 4 year

Table 2.1
Percentage of Hispanic, Asian, Non-Hispanic White, and All Students Who Are Designated English Learners in California in 1997-98 and 2000-01 by School Level

	All Levels		Elementary		Secondary	
	PRE	POST	PRE	POST	PRE	POST
% of Group that is LEP or EL	1997-98	2000-01	1997-98	2000-01	1997-98	2000-01
Hispanics	49%	48%	59%	57%	37%	37%
Asians	31%	27%	39%	34%	24%	21%
Non-Hispanic Whites	2%	1%	2%	2%	1%	1%
All Students	25%	25%	31%	31%	18%	18%

olds, who immigrate to this country, but who do not enter school until kindergarten create a bulge of truly non-English speaking, or limited English speaking, children in the elementary schools. This "bulge" of children learns English in elementary school so that by secondary school many have attained a test score that gets them redesignated fluent-English-proficient, thus further reducing the English Learner population at the secondary level.

Hispanics have the highest percentage of students who are designated English Learner with almost half being so classified across all school levels. At the elementary level, the percentage is 57 percent with little change since Proposition 227. At the secondary level it is 37 percent with no change since Proposition 227. Less than 1/3 of Asian students are designated English Learner--34 percent at the elementary and 21 percent at the secondary level. Only 1 percent of non-Hispanic whites are designated English Learner.

The differential between Hispanics and Asians on the one hand and non-Hispanic whites on the other hand is due mostly to differences in the numbers of immigrants. Only 7.9 percent of legal immigration is from Europe. But the differences between Hispanics and Asians may not be due to differences in immigration rates since Asians are 43 percent of legal immigration to the U.S. Latin American and Caribbean immigrants are 41 percent of legal immigration (California, Department of Finance, 2000). Of course, illegal immigration probably ultimately tips the balance in favor of Latin Americans, and looking at just the school-age population might further do that, but the legal immigration data suggest that not all of the difference in English Learner rates between Asians and Hispanics is due to differences in immigration rates.

Another way to look at these data is to ask what percentage of English Learners belong to each of these groups? That data is shown in Table 2.2. Although only half of all Hispanic students are English Learners, 83 percent of all English Learners in California in 2000-01 were

Table 2.2

Percentage of English Learners who are Hispanic, Asian, and Non-Hispanic White in California, 1997-98 and 2000-01

	PRE	POST
% of LEP or EL Population That is:	**1997-98**	**2000-01**
Hispanic	81%	83%
Asian or Pacific Islander	14%	12%
European or Middle Eastern	2%	2%
Hispanic, Asian, European, Middle Eastern	98%	99%

Hispanic because Hispanics are the single largest ethnic group (43%) in the public school population and there is continuing immigration from Latin America.[19] The percentage of the English Learner population that is Hispanic increased slightly in 2000-01 to 83 percent.

Redesignation Rates in California

As noted above, one of the many statistics used against bilingual education was the annual redesignation rate for English Learners. It was alleged that the low redesignation rates proved that English Learners in bilingual education were not learning English. Unfortunately the redesignation criteria guarantee low redesignation rates regardless of the effectiveness of the programs in teaching English.

Table 2.3 shows the number of English learner students in each year from 1981-82 to 2000-01. Figure 2.3 shows the annual redesignation rates. The annual redesignation rates in the 1990s before Proposition 227 averaged six percent. This seems abysmally low. But of we follow a kindergarten cohort that began school in 1992-93 and assume that the same students are in the English Learner population each year (which is an optimistic, false assumption), at least 47 percent of the English Learner population are redesignated by 6th grade, almost what you would expect if the tests were given to English monolingual students. Since it is not the same students over time, the annual redesignation rates are actually better than you would predict from the exit criteria used by most school districts.[20]

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[19] The official CBEDs enrollment data for the state in 2000-01 shows 2,613,480 Hispanic students (43 percent), but only 667,630 Asian (Asian, Pacific Islander, Filipino) students (11 percent) in the public schools of the state of California in a total public school student body of 6,050,895. There were also 510,779 African American students, 2,171,861 white students, and 35,219 multi-race or no response students.

[20] Sixth grade seemed to be a good point to end this intellectual analysis because the error in the estimate is greater with each successive grade. Also, most of the English Learners are in elementary school.

Table 2.3

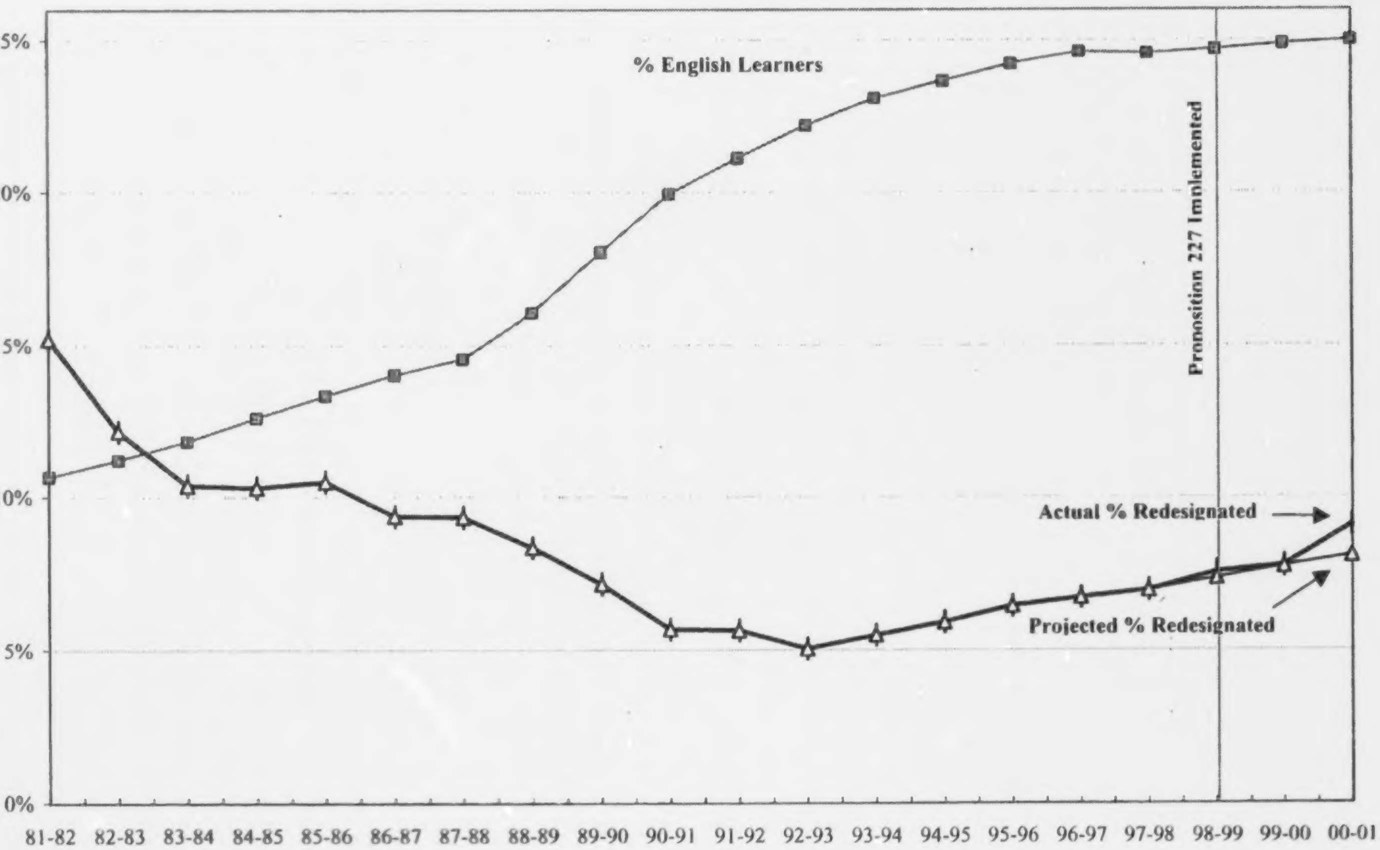
Redesignation Rates for English Learners and Cumulative Redesignation Rates for 1992-93 Kindergarten Cohort in California, 1981-82 to 2000-01

Year	Number of EL Students	% of K-12 Enrollment	# of Students Redesignated FEP	% Redesignated of Previous Year's Els	1990 Cohort School Grade	Cumulative % Redesignated FEP w/ Assumption of Same Students in Cohort	Projected from Pre-227 Trend ('92-'93 to '97-'98)
2000-01	1,512,655	25.0%	134,125	9.1%			8.1%
1999-00	1,480,527	24.9%	112,214	7.8%			7.8%
1998-99	1,442,692	24.7%	106,288	7.6%			7.4%
1997-98	1,406,166	24.6%	96,545	7.0%	7th	47.5%	
1996-97	1,381,393	24.6%	89,144	6.7%	6th	41.0%	
1995-96	1,323,767	24.2%	81,733	6.5%	5th	34.3%	
1994-95	1,262,982	23.6%	72,074	5.9%	4th	27.8%	
1993-94	1,215,218	23.1%	63,379	5.5%	3rd	21.9%	
1992-93	1,151,819	22.2%	54,530	5.1%	2nd	16.4%	
1991-92	1,078,705	21.1%	55,726	5.6%	1st	11.3%	
1990-91	986,462	19.9%	49,001	5.7%	Kind.		
1989-90	861,531	18.1%	53,223	7.2%			
1988-89	742,559	16.1%	54,482	8.4%			
1987-88	652,439	14.5%	57,385	9.4%			
1986-87	613,224	14.0%	53,277	9.4%			
1985-86	567,564	13.3%	55,105	10.5%			
1984-85	524,076	12.6%	50,305	10.3%			
1983-84	487,835	11.9%	47,503	10.4%			
1982-83	457,540	11.2%	52,504	12.2%			
1981-82	431,449	10.7%	57,336	15.2%			

Source: State Department of Education, Language Census Reports for California Schools, www.cde.ca.gov.

Figure 2.3

Percentage of English Learners (EL) and Actual and Projected Percentage of EL Redesignated Pre and Post Proposition 227 in California, 1981-82 to 2000-01



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Ironically, the annual redesignation rates had been increasing steadily in the years before Proposition 227. If we project the trend from 1992-93 to 1997-98 forward to the next three years after 227, the percentage redesignated is only one point higher than what would have occurred without 227. In short, so long as the same redesignation criteria are used, there is a ceiling on how high the redesignation rates can go. If the standard being used is the 36th percentile, or its equivalent on an ordinal scale, and the English Learner population being assessed is similar to the norming population of English proficient students, you would expect at a minimum that 36 percent would never get reclassified. Since the English Learner population being assessed is poorer and has fewer resources than the norming population of English proficient students, you would expect even higher percentages-- perhaps half-- to never get reclassified. If we convert this total redesignation rate to annual redesignation rates, six to 10 percent a year redesignated is not unreasonable. It is certainly not evidence that programs for English Learners are failing to education them. Thus, the redesignation criterion burdens any program for English Learners, including sheltered English immersion.

Moreover, for a while, the new CELDT will make the evaluation environment worse. School districts which had been using English proficiency tests with higher "pass" rates will see a decline in their redesignation rates with the new test. School districts which had been using a test with a lower "pass" rate will see their redesignation rates improve with the new test. Comparing the new redesignation rates with the pre-ELD and pre-Proposition 227 redesignation rates will no longer be possible. We will have to start from scratch in assessing redesignation trends. In addition, the essential problem remains, English proficiency tests, including the CELDT, cannot tell the difference between a student who does not know English and a student who does not know the answer. As a result they are capable of classifying a child who knows no language other than English as an English Learner.

3. Enrollment in Bilingual Education Before Proposition 227

There are several reasons why it is important that we understand who was enrolled in bilingual education before Proposition 227. First, knowing how many students were enrolled in bilingual education gives us a perspective on the scope of its harm before Proposition 227. Second, knowing which language groups actually receive bilingual education gives us an additional perspective on what it is and what it is not.

Program Enrollment Data

With the passage of Proposition 227, a whole new set of program categories appeared in the state language census (R30-LC) alongside the old categories. The new program categories are in Row 01 in Appendix D under the heading "Number of English Learner (EL) Students Enrolled in Specific Instructional Settings" and in Appendix C. The old program categories are in Row 02 of Appendix D under the heading "English Learner (EL) Students Receiving Instructional Services."

The old categories are:

- *English Language Development (ELD)* (00)
- *ELD and Specially Designed Academic Instruction in English (SDAIE)* (01)
- *ELD and SDAIE with primary language support* (02)
- *ELD and Academic Subjects Through the Primary Language* (L1) (03)
- *Instructional Services Other than those Defined in 00-03* (04)
- *Not Receiving Any English Learner Services* (05)

The new program categories are:

- **(00)** *Structured English Immersion (also referred to as Sheltered English Immersion)*: Classes where EL students who have not yet met local district criteria for having achieved a "good working knowledge" (also defined as "reasonable fluency") of English are enrolled in an English language acquisition process for young children in which nearly all classroom instruction is in English but with a curriculum and presentation designed for children who are learning the language (EC 305 and 306(a)).

- **(01)** *Alternative Course of Study*: Classes where EL students are taught English and other subjects through bilingual education techniques or other generally recognized methodologies permitted by law and where the pupils enrolled have been (1) granted a parental exception waiver pursuant to EC 310 and 311; or (2) enrolled in any Alternative Education Program operated under the Superintendent of Public Instruction's waiver authority (EC 58509) when such an alternative for EL students was established specifically to waive one or more sections of EC 300 through 340; or (3) enrolled in a Charter School program which offers any alternative course of study for EL students.
- **(02)** *English Language Mainstream Classroom (with additional and appropriate services) - Students Meeting Criteria:* Classes where English learners who have met local district criteria for having achieved a "good working knowledge" (also defined as "reasonable fluency") of English are enrolled and provided with additional and appropriate services (EC 305; CCR T5 11301 and 11302).
- **(03)** *English Language Mainstream Classroom (with additional and appropriate services) - Parental Request:* CCR 11301(b) permits a parent or guardian of an English Learner to request, at any time during the school year, that a child placed in Structured English Immersion be transferred to an English Language Mainstream Classroom and provided with additional and appropriate services. Enter in this column the number of English Learners currently placed in English Language Mainstream Classrooms at the request of their parents.
- **(04)** *Other Instructional Settings* (04): Classes or any other instructional setting other than those described in columns (00) through (03) of Part II, Row 01. The instructional settings described in columns (00) through (03) are those explicitly authorized by EC 300-340.

School districts are asked to fill out both sets of program categories. In the old program categories, bilingual education is category 3, "ELD and Academic Subjects Through the Primary Language." In the new program categories, bilingual education is category 1, "Alternative Course of Study", although this category also includes charter schools and any other program considered "alternative." In the old program categories, ESL pullout seems to have been defined as ELD. This category has disappeared in the new language census program categories. If a school district is offering ESL pullout, it would have to go into categories 02, 03, or 04, although I am aware of one school district that put it in category 01, "alternative course of study," where the bilingual education programs typically go. In the old program categories, SDAIE (category 01) would be closest to the new program category, Structured English Immersion (category 00).

At all grade levels, there is confusion over how to code program enrollment and this is especially obvious with bilingual education. Claims are made in reports to the state about offering bilingual education when the numbers indicate there couldn't possibly be a bilingual education program taught according to the theory and state law. To have a true bilingual education program, a school must have at least 10 students in a single grade of the same language group. But the data reported to the state in 1997-98, the year before Proposition 227 was passed, reveal numerous examples of bilingual education enrollment that is simply beyond the fiscal resources of any school or school district. For example, in the year before Proposition 227, Rooftop Elementary in San Francisco Unified reported having one student in bilingual education in 1997-98 in the entire school and no bilingual certified or in-training teachers. Valenzuela Elementary in Stockton Unified similarly reported having 6 students in bilingual education in 1997-98. Of the schools in California that reported having at least some students in bilingual education, 6.4 percent had less than 10 students enrolled in bilingual education and we do not know whether they even spoke the same language. It is simply impossible for a school to be able to offer true bilingual education when it has less than 10 students across all grades. Fifty-three schools claimed to have from 1 to 124 students enrolled in bilingual education, although they had no bilingual certified or teachers in-training to be bilingual certified in any language.

Data on bilingual certified teachers for the entire state shows a similar bias. Table 3.1 shows the number of teachers who are bilingual certified and in training to be bilingual certified who were providing primary language instruction in the state in 1997-98 by language group of the teachers and the English Language Learner students. The language groups are sorted by the median number of teachers in a school. I also denote whether a language group has a Roman

Table 3.1
Staff Providing Primary Language Instruction in California From State Department of Education Language Census, Before Proposition 227 (1997-1998)

							Schools w/ at Least One Bilingual Teacher in Lang.		
Language	Roman Alphabet	Primary Language Literacy First	LEP Students in State	Bilingual Certified Teachers in State	Bilingual In-Train. Teachers in State	Number of Schools w/ Biling. Teacher[a]	Percentage of Teachers Alone in School[a]	Median Number of Teachers in School[a]	LEP/Bil. Teacher Ratio in State[a]
Spanish	YES	If resources	1,140,197	15,224	10,529	3,531	3%	5.0	44
Cantonese	No	No	25,360	270	141	113	13%	3.0	62
Korean	No	No	15,521	42	16	14	9%	2.5	268
Japanese	No	No	4,967	5	13	5	11%	2.0	276
Khmer (Cambodian)	No	No	18,694	8	31	13	15%	2.0	479
Portuguese	YES	No	2,207	20	0	8	25%	1.0	110
Vietnamese	YES	No	43,008	61	65	65	32%	1.0	341
Mandarin	No	No	10,380	19	11	17	37%	1.0	346
Pilipino/Tagalog	YES	No	20,062	25	9	19	38%	1.0	590
Laotian	No	No	8,343	5	3	6	50%	1.0	1,043
All Others			117,427	104					1,129
TOTAL			**1,406,166**	**15,783**					

a Bilingual certified and in-training combined; denominator for percentages is schools with at least one certified or in-training teacher of that language.

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alphabet and thus whether they are likely to be receiving bilingual education according to the theory—that is, learning to read and write initially in their native tongue. The next columns show the number of English Learners in the state of each language group, and the number of bilingual certified and in-training teachers in the state for each language. The columns after that show the number of schools across the entire state that have at least one bilingual certified or in-training teacher of each language group. I have combined bilingual certified and bilingual in-training in this and subsequent columns because the latter are typically given the same responsibilities as the bilingual certified teachers, including their own classrooms.[21]

The data on the numbers of teachers of each language also suggest that it is highly unlikely that anybody but the Spanish speakers are actually being taught native tongue literacy in self-contained classrooms. This cannot be determined with more certainty from these data because although the state keeps English Learner status and teacher certification by language, it does not keep program enrollment by language.

In 1997-98, there were 25,753 Spanish bilingual teachers (certified plus in-training) in 3,531 schools. If we look at the schools that had at least one Spanish bilingual teacher, only 3 percent were in schools by themselves and the median number of Spanish bilingual teachers in a school was 5. Thus, there are enough Spanish bilingual teachers in most schools to actually run a full fledged Spanish bilingual education program. Across the entire state, the ratio of Spanish English Learners to Spanish bilingual teachers is 44.

The Cantonese bilingual teachers are the next largest number of bilingual teachers of a language. The median number of teachers in a school is 3, enough to run a native tongue literacy program for three years, kindergarten through 2nd grade. But even if the students are in self-contained classrooms, they will learn to read and write in English, and their textbooks will be in English, although they may learn Mandarin as a second language and their teacher may translate or speak in Cantonese if all the children are Cantonese speakers (which is rare).

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[21] The major difference is that the teachers in training are also given a teacher's aide whereas the bilingual certified usually are not. Thus, there may be a perverse incentive *not* to get certified since it typically means the loss of a

Each successive language group in Table 3.1 has fewer and fewer bilingual teachers. The median number of Portuguese, Vietnamese, Mandarin, Pilipino/Tagalog, and Laotian bilingual teachers is 1 per school. This is not enough to run a true bilingual education program in these languages. In addition, from 9 to 50 percent of the certified teachers are in a school by themselves. Typically the services provided by these solo "bilingual education" certified teachers are ESL instruction and management of the ESL program, which can include being the school-parent liaison for families of the same language as the "bilingual education" teacher.

The correlation between the number of English Learners of a language group in a school and the number of bilingual teachers of a language group in a school is highest for the Spanish speakers and the Cantonese speakers at .74 and .75 respectively. There is very little relationship (less than .30) between the number of Vietnamese, Filipino, Mandarin, Laotian, and Armenian English Learners and bilingual teachers in that language at a school. Indeed, there are no Armenian bilingual certified or in-training teachers in the state, although there are school districts that claim to have an Armenian bilingual education program.[22]

We can draw two conclusions from these data. First, bilingual education appears to be feasible only for the Spanish speakers. Second, there is confusion or disagreement over what bilingual education is, but the bias is to include more programs under that label than actually teach the native tongue or use it in instruction. According to these data and my classroom observations and teacher and principal interviews, the definition of bilingual education seems to

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teacher's aide.

range from native tongue instruction with English as a Second Language to any kind of special help for English Learners.

How Many Students in Bilingual Education?

If we look just at the old program category for bilingual education, in the year before Proposition 227, Figure 3.1 shows that 39 percent of elementary English Learners were in bilingual education compared to only 10 percent of secondary students. To some extent this reflects the differential in the English Learner percentage at elementary (31 percent) and secondary (18 percent) levels.[23] But the difference in bilingual education enrollment by school level is greater than the difference in English Learner percentages. It is also a reflection of the fact that students are more likely to be literate in their native tongue at the secondary level than at the elementary level which diminishes the motivation for bilingual education. According to the theory, bilingual education is first and foremost a program for teaching literacy.

Not only were most English Learners enrolled in an English speaking instructional program prior to Proposition 227, but so were most Spanish speaking English Learners. There were 1,140,197 Spanish English Learners in 1997-98, but only 409,879 students of all languages enrolled in bilingual education. Even if the only children enrolled in nominal bilingual education were Spanish speakers, at most only 36 percent of Spanish English Learners could have been enrolled in bilingual education before Proposition 227, as illustrated in Figure 3.2 on the right. Since we know that not all of the students enrolled in programs labeled bilingual education are

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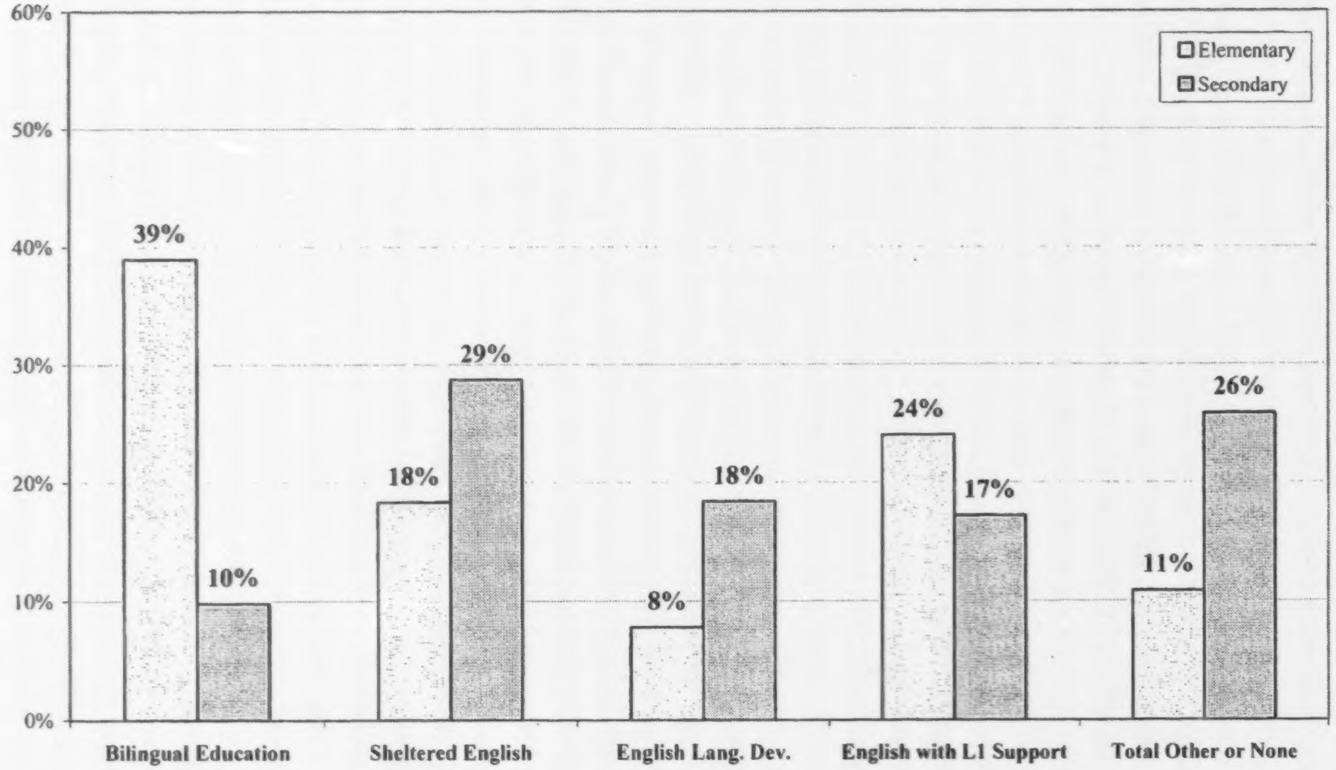
[22] This information comes from newspaper articles and interviews over the last decade and a half not from the program data since that is not broken down by language group.

[23] As discussed above, there is a bulge of immigrant children in kindergarten that is the accumulation of those who were born into non-English speaking families or who moved here at 1, 2, 3, or 4 years of age. In addition, the English proficiency tests that are used to classify a student as LEP are easier for older children than for younger children. See, for example, Perlman and Rice, 1979.

Figure 3.1
Elementary and Secondary English Learner Program Enrollment in California, 1997-98



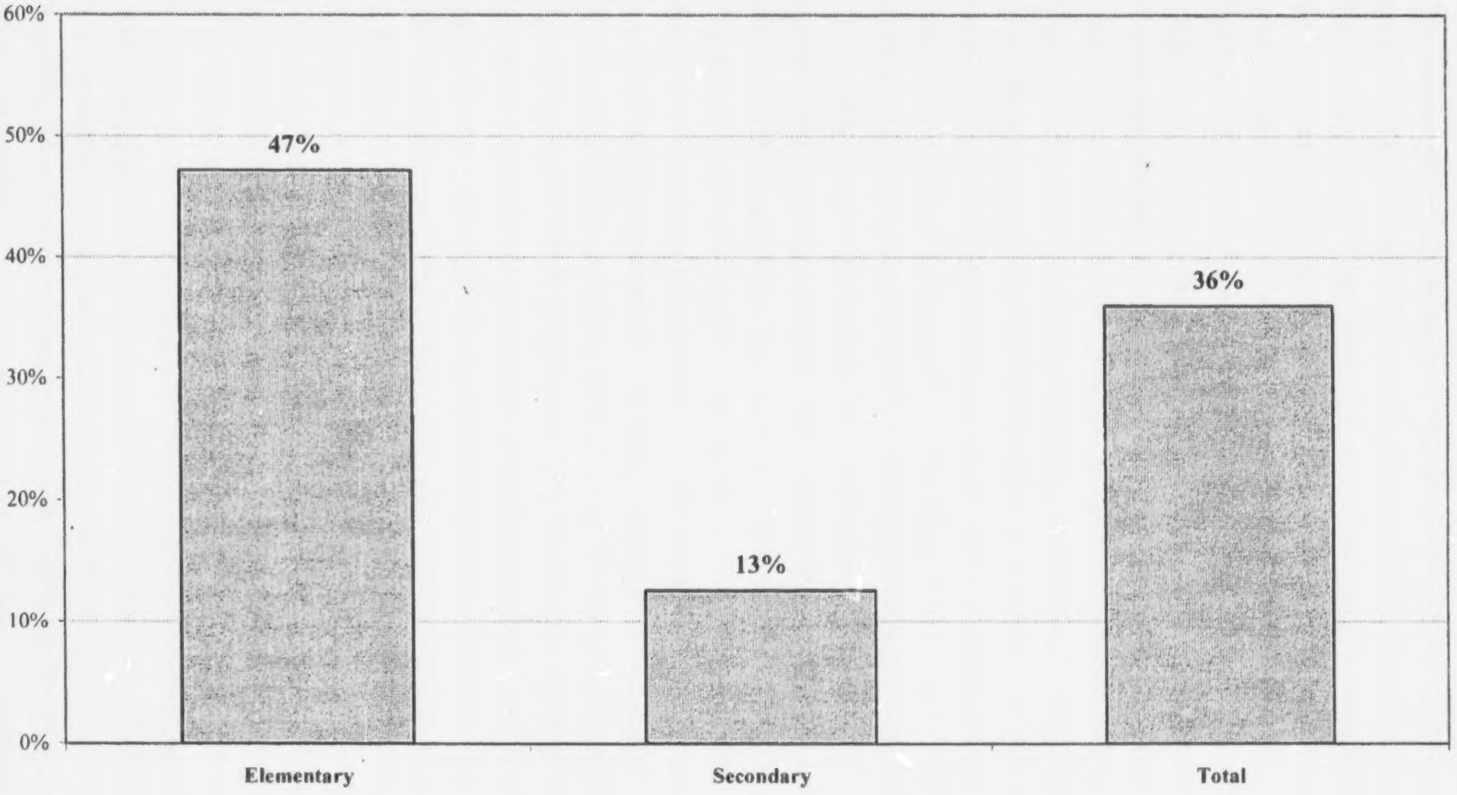
Hispanic, the percentage of Hispanic English Learners enrolled in bilingual education is probably several points lower than 36 percent.

At the elementary school level, there were 770,633 Spanish speaking English Learners in the state in 1997-98. However, there were only 363,568 elementary students enrolled in bilingual education. As shown in Figure 3.2 on the left, even if we were to assume that all the elementary English Learners enrolled in bilingual education were Spanish speakers, at most only 47 percent of the Spanish speaking English Learners were in bilingual education. Since we know that not all the English Learners in bilingual education were Spanish speakers, the actual percentage of Spanish speaking English Learners enrolled in bilingual education is several points lower than 47 percent.

At the secondary school level, there were 369,608 Spanish speaking English Learners in the state in 1997-98. However, there were only 46,311 secondary English Learners enrolled in bilingual education. As shown in Figure 3.2, even if we assume that all the secondary English Learners in bilingual education were Spanish speakers, at most only 13 percent of secondary level Spanish speakers could have been enrolled in bilingual education. Since we know that not all the English Learners in bilingual education were Spanish speakers, the actual percentage of Spanish speaking English Learners enrolled in bilingual education is several points lower than 13 percent.

Thus, critics of bilingual education have exaggerated its aggregate harm and supporters have exaggerated its aggregate benefit to English Learners, including Spanish speaking English Learners. Prior to Proposition 227, about 2/3 of all English Learners and Spanish speaking English Learners, were either in a regular classroom with no extra help, a regular classroom with ESL pullout, or a structured immersion classroom very similar to what Proposition 227 requires.

Figure 3.2
Maximum Possible Percentage of Spanish Speaking English Learners in Bilingual Education in California, 1997-98



This percentage was higher for elementary students and lower for secondary students, but the data suggest that bilingual education was not the primary cause of the low achievement of English Learners and it certainly was not the primary cause of the high school dropout rate of Hispanic students since only 13 percent of Spanish speaking English Learners (and not all Hispanics are English Learners) at that school level were enrolled in bilingual education.

Table 3.2 shows the results of a statistical analysis of the number of elementary and secondary students enrolled in nominal bilingual education in individual schools in California in 1997-98. Elementary students are shown in model 1 and secondary students in model 2. The predictors of the number enrolled in bilingual education in a school in 1997-98 are the number of Spanish, Vietnamese, Hmong, Cantonese, Filipino, Khmer, Korean, Armenian, Mandarin, and Laotian English Learners, the total enrollment (size) of the school, and the percentage eligible for free or reduced lunch (poor).[24]

The easiest way to determine the relative strength of each variable is to look at the Beta, the standardized coefficient measuring the relationship between bilingual education enrollment and each of the variables. The relationship between the number of Spanish speaking English Learners and bilingual education enrollment is strongest for elementary students with a Beta of .95 out of a maximum of 1.0. It is still strong for secondary students, but less so with a Beta of .67 out of a maximum of 1.0. The number of students of speakers of other languages has little or no relationship to the number of students enrolled in bilingual education. Indeed, if we could measure true bilingual education instead of just what is labeled bilingual education, the coefficient for Cantonese speakers would be zero. The equation for elementary students explains 78 percent of the variation in the number of students enrolled in bilingual education in California

Table 3.2

Predictors of the Number of English Learners (EL) Enrolled in Bilingual Education in Individual Schools in California, 1997-98

	ELEMENTARY					SECONDARY				
Dependant Variable=	Mean	b	Beta	t	Signif. Level	Mean	b	Beta	t	Signif. Level
Number in Bilingual Education 1997-98	74					20				
Constant		9.839		2.72	0.007 *		-3.913		-1.88	0.060
Number Spanish EL Students, 1997-98	157	0.606	0.95	80.36	0.000 *	154	0.142	0.67	30.44	0.000 *
Number of Vietnamese EL Students, 1997-98	5	-0.521	-0.06	-9.20	0.000 *	7	-0.154	-0.08	-4.81	0.000 *
Number of Hmong EL Students, 1997-98	4	0.014	0.00	0.30	0.761	4	0.063	0.03	1.40	0.161
Number of Cantonese EL Students, 1997-98	3	0.632	0.08	10.59	0.000 *	4	0.221	0.07	4.44	0.000 *
Number of Philipino EL Students, 1997-98	2	0.206	0.01	1.48	0.139	4	0.164	0.03	1.82	0.068
Number of Khmer EL Students, 1997-98	2	0.495	0.05	7.45	0.000 *	3	0.097	0.03	1.55	0.122
Number of Korean EL Students, 1997-98	2	0.033	0.00	0.41	0.678	2	-0.153	-0.03	-1.52	0.129
Number of Armenian EL Students, 1997-98	2	-0.060	-0.01	-1.30	0.195	2	-0.040	-0.02	-1.22	0.222
Number of Mandarin EL Students, 1997-98	1	-0.108	0.00	-0.52	0.601	2	0.011	0.00	0.12	0.905
Number of Laotian EL Students, 1997-98	1	-0.055	0.00	-0.26	0.794	1	-0.092	-0.01	-0.51	0.608
Total Enrollment, 1997-98	612	-0.035	-0.07	-6.75	0.000 *	1071	-0.005	-0.07	-3.29	0.001 *
% Eligible Free or Reduced Lunch, 1997-98	54	-0.193	-0.04	-4.42	0.000 *	39	0.162	0.08	4.38	0.000 *
Adjusted r2		**0.781**					**0.452**			
N		**4,916**					**2,358**			

*** Statistically significant at .05 or better.**

elementary schools in 1997-98. The equation for secondary students, however, explains only 45 percent of the variation in bilingual education enrollment.

These equations were also run separately for Los Angeles, San Francisco, and San Diego, the three school districts examined in greater depth in this report. The effect of the number of Spanish speaking English Learners is even stronger in Los Angeles and San Diego than it is in the state as a whole. In San Francisco, however, the number of Cantonese speaking English Learners is slightly stronger than the number of Spanish speaking English Learners with a Beta of .65 in model one compared to .60 for Spanish speakers. This, of course, reflects the large number of English Learner Cantonese speakers--San Francisco has 26 percent of all the English Learner Cantonese speakers in the state compared to only 8 percent in Los Angeles and 1 percent in San Diego.

Which Language Groups?

The data presented above suggests that bilingual education is a program for elementary school Spanish speaking English Learners. These equations show they are the only ones in most school districts with the numbers. But Spanish speakers also have some other interesting characteristics that set them apart from many other English Learners, particularly those from Asia. The most important of these differentiating characteristics is the nature of their language.

Indeed, one of the problems with the facilitation theory and with California state law before Proposition 227 is that it ignores the great variation in written language. In particular, the theory and the law are silent on how you would teach Asian children to read and write in their native tongue and why you would want to do that since so few of the skills would be transferable

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[24] The percentage of the English Learners who are Spanish speakers was included in the equation, but it explains

to English. The vast majority of Asian languages use an ideographic system of writing, rather than an alphabetic or phonetic system, and have no similarity in appearance to English,[25] thus reducing the number of transferable skills, such as sight recognition of words, sounding out of words, and so forth.

These languages also take much longer to master than English. In other words, learning to read in the native language, if it is ideographic (e.g. Chinese or Japanese), may actually be harder than learning to read and write in the second language, if the latter is English or another phonetic, alphabetic language. As a result, I have not found any non-alphabetic bilingual education programs that actually teach initial literacy in the native language, although many of them are taught in self-contained classrooms, are called bilingual education, and receive bilingual education funding.

I also have not found any non-Roman alphabet bilingual education programs, even if the alphabet is phonetic (e.g., Hebrew, Arabic, the Indian dialects, Russian, Armenian, and Khmer), that teach initial literacy in the native language. The teachers I have interviewed have told me that it is too difficult or distracting to teach initial literacy, particularly to young children, in a language with a different alphabet from English. The literature, however, is silent on this issue.

This is also true of the legislation and regulations in California and every other state. None of them acknowledge any limitation to providing bilingual education except the number of English Learners, the number of certified bilingual teachers, and the availability of materials in that language. The characteristics of the language itself, and its similarity to English are universally ignored in official documents and in most of the literature in the field.

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nothing and increases the standard error of the equation because it is highly correlated with the number of Spanish speakers. Moreover, it is the absolute numbers that are needed to form a classroom, not percentages.

[25] Two exceptions are Hmong and Vietnamese whose written languages were created by westerners and so have a Roman alphabet.

The only other individuals I am aware of who have written about this issue are James Traub (1999) in a *New York Times Magazine* article and McDonnell and Hill (1993) in a study of newcomer programs in California. McDonnell and Hill attribute the differences they observed to differences in resources to support bilingual education:

> Because of the lack of bilingual teachers in the Southeast Asian languages, instructional strategies differ at the Visalia newcomer center for Spanish-speaking and Southeast Asian students. The Spanish speaking students are taught for half the day in their native language, while the Southeast Asian students are taught entirely in English using language development techniques (McDonnell and Hill: 94).

James Traub does not attribute the differences he observes to a lack of resources. He thinks parental attitudes and the number of speakers of that language in the U.S. are a more important influence. Russian and Chinese English Learners in bilingual education classes are taught in English because the parents support it and there are no large communities of these languages where the non-English speakers can get along without English.

But I think it is more complicated than that. In Figure 3.3, I have diagrammed what I believe is the implicit decision process in California that determines whether an English Learner receives instruction in a self-contained classroom and then whether they receive native tongue instruction. This model incorporates important practical criteria, ignored in the theory, the legislation, the regulations, and policy statements, that I believe are implicitly used by school district officials and teachers. This chart is based on the empirical analysis presented in Table 3.1, on logic and on my classroom observations in schools in California, and across the country.

Assuming a language minority group meets the minimum criterion for a school district of 10 in a single grade of a single dialect or language,[26] my flow chart predicts that if the elementary English Learner is of northern European or more affluent Asian origin (e.g., Japan or

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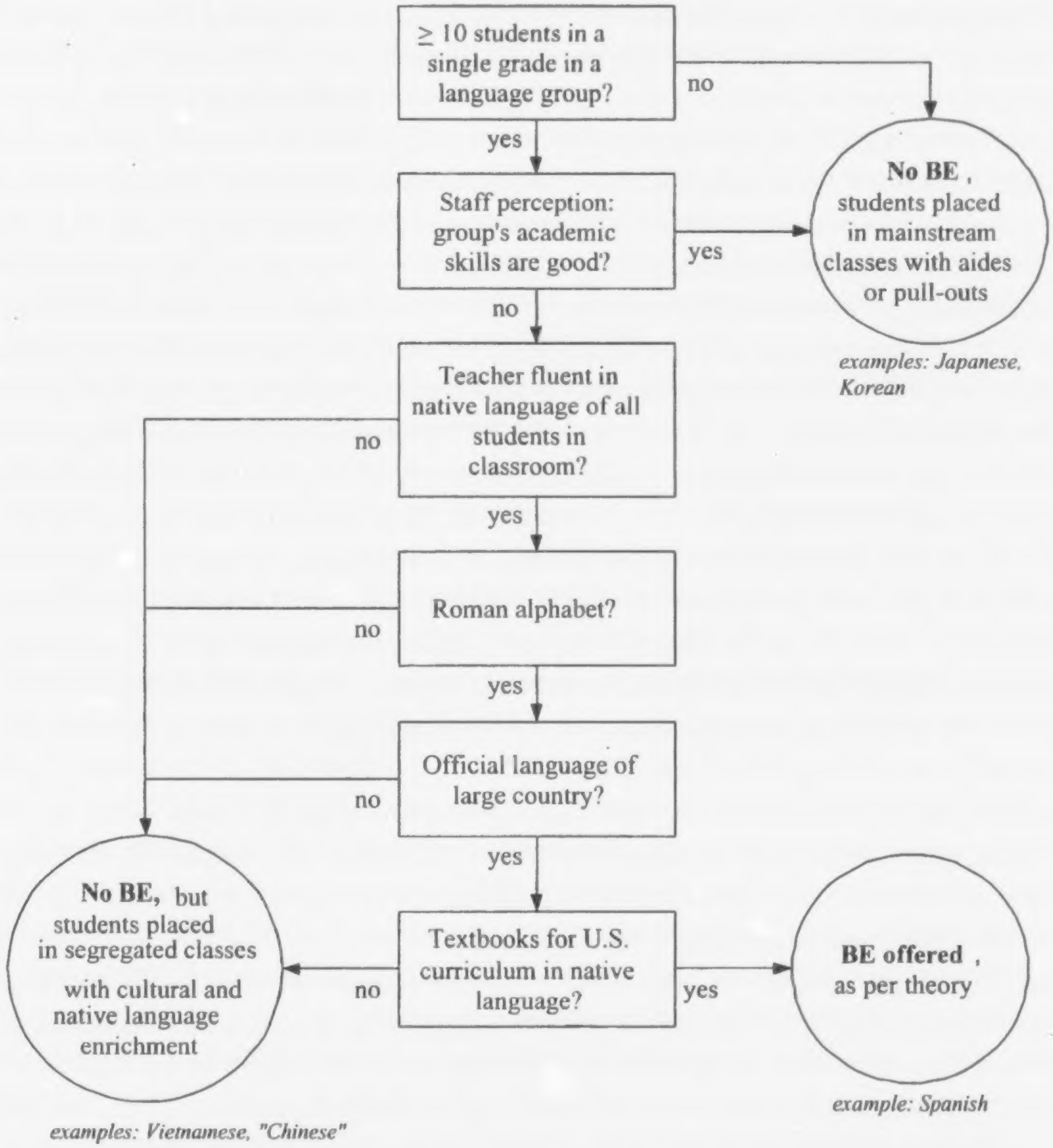
[26] This was the requirement of the 1976 Chacon-Moscone Act which was enforced by the California Department of Education until the passage of Proposition 227.

Figure 3.3
Pre-Proposition 227 Predicted Program Placement of English Learners in California


≥ 10 students in a single grade in a language group?
no
yes
Staff perception: group's academic skills are good?
yes
no
No BE, students placed in mainstream classes with aides or pull-outs
examples: Japanese, Korean
Teacher fluent in native language of all students in classroom?
no
yes
Roman alphabet?
no
yes
Official language of large country?
no
yes
Textbooks for U.S. curriculum in native language?
no
yes
No BE, but students placed in segregated classes with cultural and native language enrichment
examples: Vietnamese, "Chinese"
BE offered, as per theory
example: Spanish

Korea), they will be in a regular classroom where they will receive instruction in English with pullout support or in-class ESL tutoring, although there may be a bilingual teacher or teacher's aide for support. If the elementary English Learner is from a poor Asian country such as China, Cambodia, Laos, the Philippines, or Vietnam; a poor southern European country like Greece or Portugal; or a Latin American country, they are more likely to be in a self-contained classroom consisting only of English Learners because they are thought to need the protection of a self-contained classroom. I base this conclusion on my interviews with teachers who often replied that the reason why a particular language group was not in a separate classroom like some other language groups was because "they did not need it."

However, as shown in Figure 3.3, even if the students are in a self-contained classroom consisting only of the same country of origin English Learners, I predict they will be taught to read and write in their native tongue only if a) their native tongue is a phonetic language with a roman alphabet, b) their teacher is fluent in their dialect/language, c) all the students in the classroom speak the same dialect, d) there are published textbook materials in the native tongue written for the U.S. curriculum, and e) the dialect or language is the official language of one or more large countries. In short, this model predicts that only the Spanish speakers will receive bilingual education according to the theory because they are typically the only ones that fulfill all the conditions for receiving it: that is, there are enough of them to fill a classroom by combining two grades *and* they have a native tongue that is a phonetic language with a roman alphabet, *and* they are likely to have a teacher who is fluent in their language, *and* all the students in the classroom speak the same dialect since Spanish has no important dialects, *and* there are published textbook materials in the native tongue written for the U.S. curriculum, *and* the dialect or language is the official language of one or more large countries.[27]

The causal path for secondary students is different and is not shown here. Secondary schools (defined as the grade where departmentalization of subjects occurs) differ from elementary schools in the rationale for bilingual education, since the typical secondary English Learner already knows how to read and write in their native tongue and has many years of cognitive development. The purpose of bilingual education for secondary students is to protect the English Learner from the competition and, it is believed, assault on their self-esteem found in the regular classroom and to enhance their self-esteem by showing respect for their native tongue and culture. Some of the secondary programs also have another purpose--to keep at-risk English Learner high school students from dropping out and to enable them to attain a high school degree by offering as many required courses as possible in the native tongue or in a "sheltered" environment on the assumption that they would have trouble passing the same course in a regular English language classroom and/or would feel alienated to the point of dropping out.

But the reality at the secondary level is that it is rare for a school to have enough resources to offer all courses in the native tongue, even if it is Spanish, since teachers have to be certified in both a subject matter and a foreign language. In addition, there are not enough English Learners, even Spanish speaking English Learners, at that level to be able to form bilingual education classrooms in every subject. Therefore, as we have seen, bilingual education at the secondary level is a hit or miss proposition. If it is offered, it is usually in one or two subjects, although this does not stop some junior and senior high schools in California from declaring that they have a bilingual education program. Even with this bias--that is, more programs are declared to be bilingual than actually are--

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[27] Occasionally, other Roman alphabet language groups will have the numbers to fill a classroom—in California this is sometimes true of Vietnamese and Portuguese speakers—but even in these cases, I have never seen one offered in either of these languages.

only 10 percent of secondary English Learners, and at most only 13 percent of Spanish speaking English Learners, were enrolled in bilingual education at the secondary level prior to Proposition 227.

One might ask why the proponents of bilingual education ignore, or as often happens vehemently deny, this reality—that only the Spanish speaking English Learners are receiving true bilingual education. I suspect it is because it calls into question the underlying theory of bilingual education which is that children must learn to read and write in their native tongue or they will be cognitively disadvantaged. If one accepts this theory as true, it is not clear how one would modify it to exempt the non-Roman alphabet speakers. Moreover, these students, most of whom are Asian, are the most successful students in school. It is easier to ignore or deny the fact that only the Spanish speakers are receiving bilingual education than it is to modify the theory to exempt the non-Roman alphabet English Learners.

4. The Impact of Proposition 227 on Bilingual Education

Although Proposition 227 allowed parents to request that their child remain in bilingual education, the extent to which there was enough demand to maintain a bilingual education program depended on the size of the Spanish speaking English Learner population and the organization of the school. Parents in schools with small numbers of Spanish speaking English Learners may not even have been made aware of their right to apply for a waiver since there was little or no likelihood of having enough students to maintain a bilingual education program. In school districts which had made the decision to adopt sheltered English immersion across the board, parents may also not have been made aware of their right to apply for a waiver since there was little or no likelihood of having enough students to maintain a bilingual education programs. A sizeable portion of parental demand is generated from above and when that pressure is absent, parental demand is low.

In the remaining schools—those with sizeable numbers of Spanish speaking English Learners in districts which had not made a district-wide commitment to English instruction--some schools were able to continue their bilingual education programs by organizing their classrooms during the 30 day trial period so as to facilitate converting them to bilingual education. They did this in some cases because of a belief in the superiority of bilingual education, and in at least one case because there was not enough time to plan a structured immersion program. This was apparently a problem in San Diego because the school district changed superintendents and bilingual education directors soon after Proposition 227 passed. One elementary school principal in San Diego told me that she simply continued the bilingual education programs from the year before because the Director of Bilingual Education was encouraging this. When he was fired by the new Superintendent, she just did not have enough time to implement a different strategy. Every student assigned to bilingual education for the 1998-99 year was assigned to a 30 percent Spanish program and during the 30 day waiting period most parents were persuaded to come in to the school and sign a waiver. All of these classes then converted to bilingual education on the 31st day.

At an assembly consisting only of the parents in the new waivered bilingual education classes, this same principal asked the parents if they would be willing to let the school teach their child completely in English beginning in 1999-2000 and let Spanish instruction be the job of the family. She said every one of the parents who had just signed waivers to have their child taught in the native tongue raised their hand to indicate that all-English in school was also fine with them.

But not all parents of Hispanic English Learners signed waivers despite the efforts of the principal and the teachers. Even in this school where the principal tried to waiver all of the students who had been assigned to bilingual education before Proposition 227, the number of Spanish speakers in bilingual education declined by almost 100 students from 544 (57%) in 1997-98 to 448 (51%) with the implementation of Proposition 227.

The principal and her co-principal had been supporters of bilingual education because they thought it was more successful than sink-or-swim in making readers out of Spanish English Learners. On the other hand, they acknowledged that it had costs—some teachers spent too much time perfecting their student's Spanish literacy at a cost to their English literacy and there were students who never got out of Spanish instruction. By the end of their discussion with me, the two San Diego principals seemed to have reversed themselves because they were asserting that they planned to implement Proposition 227 fully in 1999-2000. They thus appeared to support *both* bilingual education and structured immersion. Indeed, this was often the case with the teachers and administrators that I talked to. Although they preferred bilingual education, any extra help for English Learners was a close second.

The data for this school, indeed, shows a sharp decline in bilingual education from 448 (51%) in the first year of Proposition 227 to 299 (36%) in the second year, but then it rose again to 440 (46%) in the third year. Thus, Proposition 227 was still not implemented fully as she had claimed it would be. Moreover, in a return visit to this school in September 2001 (the fourth year), I learned that classrooms were *still* being organized so that children who were thought to "need" bilingual education were in the same classroom. Since the CDE legal office has concluded that placement in a structured English immersion needs to take place for 30 days only the first year that a parent submits a waiver for bilingual education and that is the practice, it is possible that the students enrolled in first grade and higher bilingual education classrooms are simply continuing students who were in a sheltered English immersion classroom for 30 days in the previous year. However, at this school there were six kindergarten bilingual education classrooms in the second week of school that by law should not have existed. The two remaining kindergarten classes were mixed sheltered English immersion and mainstream classes.

The other school in San Diego and the two schools in Los Angeles that were revisited in September 2001 also had kindergarten bilingual education classrooms during the first 30 days in apparent violation of the law. In addition, not only were the classes labeled waivered bilingual, bilingual literacy (San Diego), or bilingual instruction, the children in these classrooms were definitely being instructed in Spanish. When I questioned this, I was told by their teachers that they were being instructed in Spanish because they knew no English. Despite Proposition 227, this apparently seemed like a sensible conclusion to their teachers.

However, non-Spanish speakers in these schools who knew no English were being instructed in English. When I questioned their teachers as to how they were able to teach a child who spoke no English in English, they replied that it was hard but that they had no choice—there were not enough students of any single language to do anything else. In short, when given no choice, teachers can and do teach in English to children who know no English. Although they find it difficult, they believe they are making it work.

The September 2001 revisits confirm that some three years after Proposition 227 was passed, the 30 day rule is being routinely violated in San Diego and Los Angeles if the child is a Spanish speaker who knows no English. Only in Oceanside are Spanish speakers who speak no English taught in English. And even there, the teachers acknowledge that "they are working harder than ever before." Bilingual education for Spanish speakers who speak no English is, quite simply, easier than all-English instruction. And that is part of its attractiveness to educators. Their only fear was that it was *too* easy and as a result, students stayed in Spanish too long.

The Waiver Process. Visiting the school to sign a parental waiver is not an idea that typically originates with the parent. The proposed February 2002 regulations that would have allowed principals and teachers to initiate waivers, in addition to parents, was merely an attempt to codify what was already common practice. The defeat of these regulations will not change this practice. My interviews indicate that bilingual education is like medical care. Teachers, like doctors, create supply by the criteria they use to define a child as needing treatment and they create demand by telling the patient what treatment he or she needs. In every school that I or my colleague, Carol Janes, visited in Spring 1999, teachers explained that they had "worked very hard" to get parents to sign waivers. They held daytime and evening meetings during the 30 day period and called parents to convince them that their child would be better off in the bilingual education program that had been recommended for them the previous year.

This process is diagrammed in Figure 4.1 as a supply and demand model of creating waivered classrooms. The first step in creating a waivered classroom is that there must be 20 or more Hispanic English Learners in a single grade in a district that has not made a districtwide commitment to English instruction. Just as Hispanic students were the only ones receiving true bilingual education before Proposition 227, they are the only ones being waivered after 227. Indeed, the flow chart in Figure 3.3 is still valid in California after the implementation of Proposition 227.

If anything, there is more difference between the process for Spanish speakers and speakers of other languages after Proposition 227 than there was before. Since there is no need to persuade Chinese parents to come in and visit the school to sign waivers to be in "bilingual" education when the bilingual education they are in is legal under Proposition 227, I expect these labels to change.[28] In most cases, the programs will disappear. In some cases, they will continue because they serve important social functions such as preserving the child's culture or protecting Asian students from low income black and Hispanic students.[29]

Figure 4.1 also depicts how schools create supply by how they define eligibility to be waivered. Although it is the district that defines who is English Learner, it is the school that decides who is to be *recruited* for a waivered bilingual education class. They can create greater

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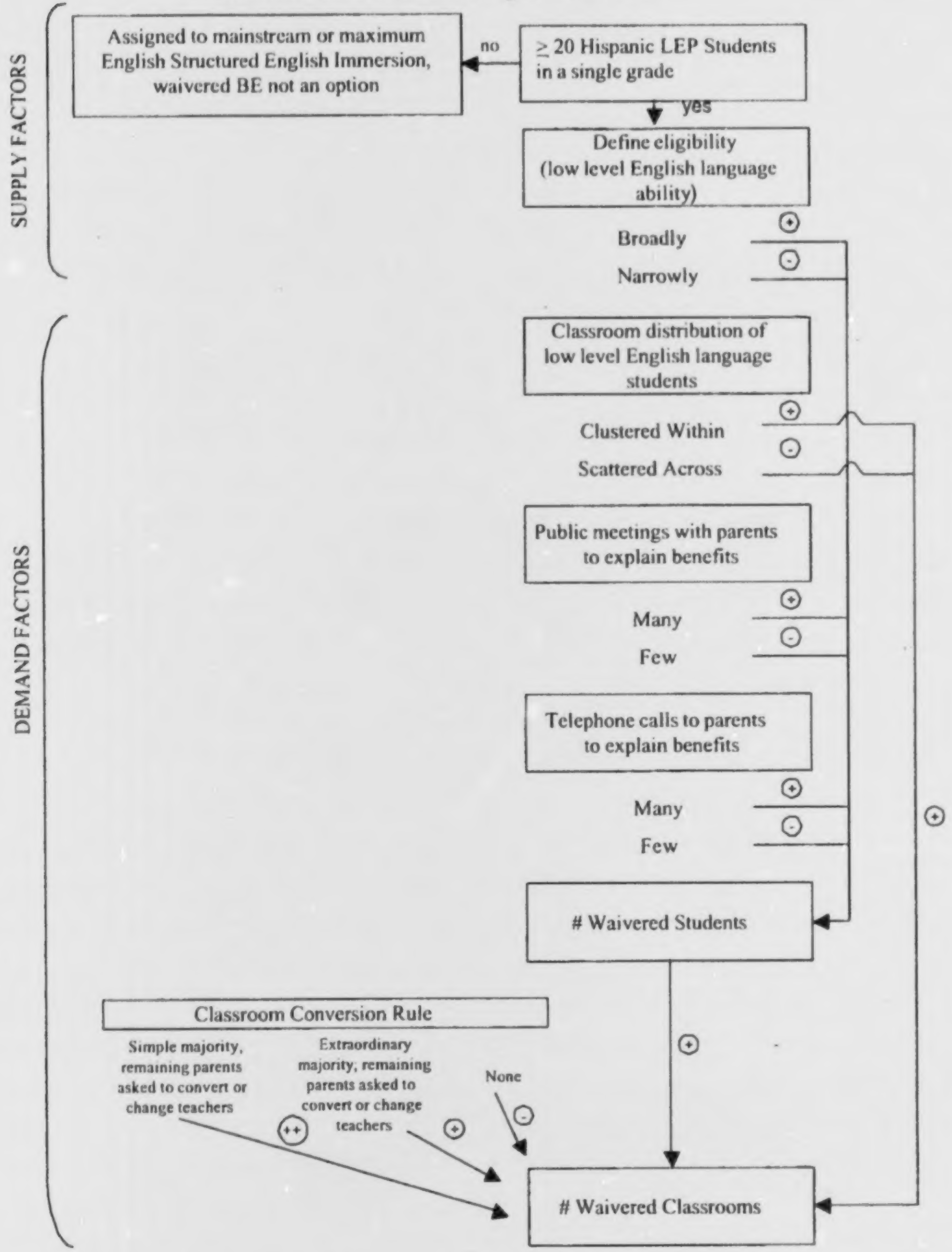
[28] Since San Francisco is not implementing 227, the Cantonese bilingual education classes have continued with the same label. Nevertheless, these classes are in compliance with 227 despite their label.

[29] About a decade ago I had a conversation with a Chinese vice-principal in a predominantly black and Hispanic Bay Area school district about the motivation behind enrolling children in a Chinese bilingual education program that was taught completely in English. I was told quite simply that the Chinese parents demanded it as a way to keep their children separate from the tougher black and Hispanic students. See also, Zhou, 1995; 1998 for the same point.

Figure 4.1
A Supply and Demand Model of the Process of Creating Waivered Bilingual Education Students and Waivered Bilingual Education Classrooms Under Proposition 227


SUPPLY FACTORS
Assigned to mainstream or maximum English Structured English Immersion, waivered BE not an option
no
≥ 20 Hispanic LEP Students in a single grade
yes
Define eligibility (low level English language ability)
+
Broadly
-
Narrowly
DEMAND FACTORS
Classroom distribution of low level English language students
+
Clustered Within
-
Scattered Across
Public meetings with parents to explain benefits
+
Many
-
Few
Telephone calls to parents to explain benefits
+
Many
-
Few
+
# Waivered Students
+
Classroom Conversion Rule
Simple majority, remaining parents asked to convert or change teachers
++
Extraordinary majority, remaining parents asked to convert or change teachers
+
None
-
# Waivered Classrooms

Interpretation: School staff create supply and demand, modified by parent negotiation or fewer numbers in such classes by the level of English language achievement they choose as the criterion for assignment.

In addition, the classroom distribution of low achieving students can affect how many students are waivered. If the sheltered English immersion classes are formed on the first day so that the lowest level Spanish speaking English Learners in a grade are in the same classroom then it is much easier to convert the whole classroom to waivered bilingual on the 31st day. If the lowest level Spanish speaking English Learners are scattered across classrooms, it is harder to convert them to waivered bilingual because it means another reorganization of the classrooms. The district staff in both Los Angeles and San Diego suggested to principals that students who were recommended for bilingual education in 1998-99 be placed in the 30 percent native tongue classes. If principals took their advice, this also had the effect of making it easier to convert an entire classroom to waivered bilingual.

The next two variables in the supply-demand model shown in Figure 4.1 reflect the extent of outreach to parents. Outreach includes the number of public meetings with, and individual telephone calls to, parents to explain the benefits of bilingual education. Obviously, individual telephone calls are more effective than public meetings. In every school I visited in 1999, teachers explained to me how hard they worked at convincing parents and how effective calling them personally was. All of these variables will influence the number of *students* who are waivered.

But the number of students who are waivered does not necessarily translate into waivered classrooms. The latter also depends on the number of Hispanic English Learners in a school and the classroom conversion rule. There are two possible classroom conversion rules. The first is that when a simple majority of waivered students is obtained for a given teacher and classroom, the other parents are called and told that if they do not sign a waiver, their child will have to change teacher. The second possibility is that the telephone calls are not made until an extraordinary majority of waivered students is obtained. These telephone calls are very effective in converting additional parents because most parents do not want their child's education to be disrupted by changing classrooms and many of them care more about that than they do about the language of instruction, if they understand the language of instruction at all.

Thus, the number of bilingual waivered students and bilingual waivered classes is not necessarily indicative of parent support for bilingual education. Rather it seems to reflect staff support for bilingual education and to some extent parent support for staff. Although it has been suggested that some teachers may have obtained waivers to protect themselves and their schools from legal liability, this is probably not an important explanation. The number of waivers at the elementary school level did not decline in the second year and third years when it became clearer what the law actually required and that teachers in practice would not be sued for the use of the native tongue in the classroom.

Some parents resisted the staff, or the staff didn't work very hard to convert parents, because in many schools it was not possible to form entire classrooms of waivered students. In one school I visited, the former bilingual education teacher gave a passionate defense of bilingual education and explained how hard she had worked to get her parents to sign waivers. The state database confirms this. It showed an increase from 30 students in bilingual education in 1997-98 to 53 in 1998-99.

But when I asked "So, these students are all being taught to read and write in Spanish now?" I was told they were not. Amazingly, *none* of these 53 waivered students were being taught in Spanish in a self-contained bilingual education class. They were learning to read and write in English in a mixed waivered/mainstream classroom. The teacher's explanation for this was that she did not have enough waivered students to form a whole bilingual education classroom at each grade. Since she was the Reading Recovery teacher, she felt her students would be better off being taught to read and write in English because if problems arose she could do reading recovery. I then asked her about her legal obligation to the parents whom she had just convinced to sign waivers. She said that this was no problem because these parents, who had only recently agreed that their child was better off in a Spanish bilingual education program, had been called by the teacher and all had verbally consented to have their children taught to read and write in English after all. Nevertheless, they remain in the state database as "waivered."

Other teachers and principals told me similar stories. Their experience is that parents typically look to the teachers and principals as their authority and most of them are willing to comply with whatever educational decision is made for their child by these authorities whether it is bilingual education or all-English instruction. It is a minority of parents who have independent opinions on educational issues, even the language of instruction, if they even understand the issue.

In several of the elementary schools I visited, the principal or bilingual education coordinator was able to provide me with data on the exact number of waivered students by language group in each classroom. All were Spanish speakers. These data, shown in Figure 4.2, indicate that in School 1 all of the waivered students were in mainstream classes, although the state data showed them to be in bilingual education. In School 2, 33 percent of the waivered students were in mainstream classes, although the state data showed that 98 percent of the waivered students were in bilingual education in 1998-99 and 31 percent in September 2001.[30]

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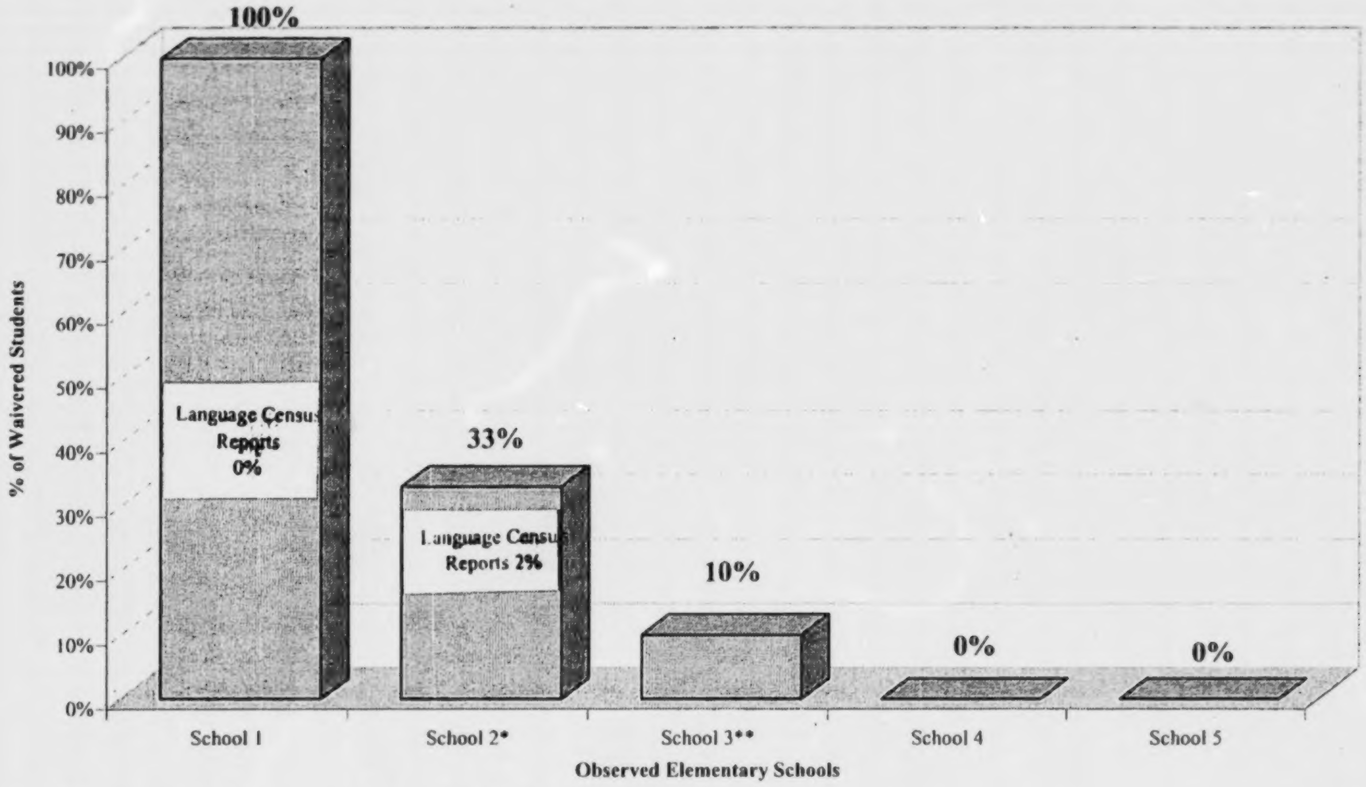
[30] This is determined by comparing the number of English Learners in bilingual education in Part II to the number of English Learners who are waivered in Part I of the Language Census.

Figure 4.2
Percentage of Waivered Students in Mainstream Classrooms in Observed Hispanic Elementary Schools, California, 1998-99



* The % of waivered students in mainstream classrooms in 2001 is 31%
** School is 100% sheltered English immersion as of Fall 2001.

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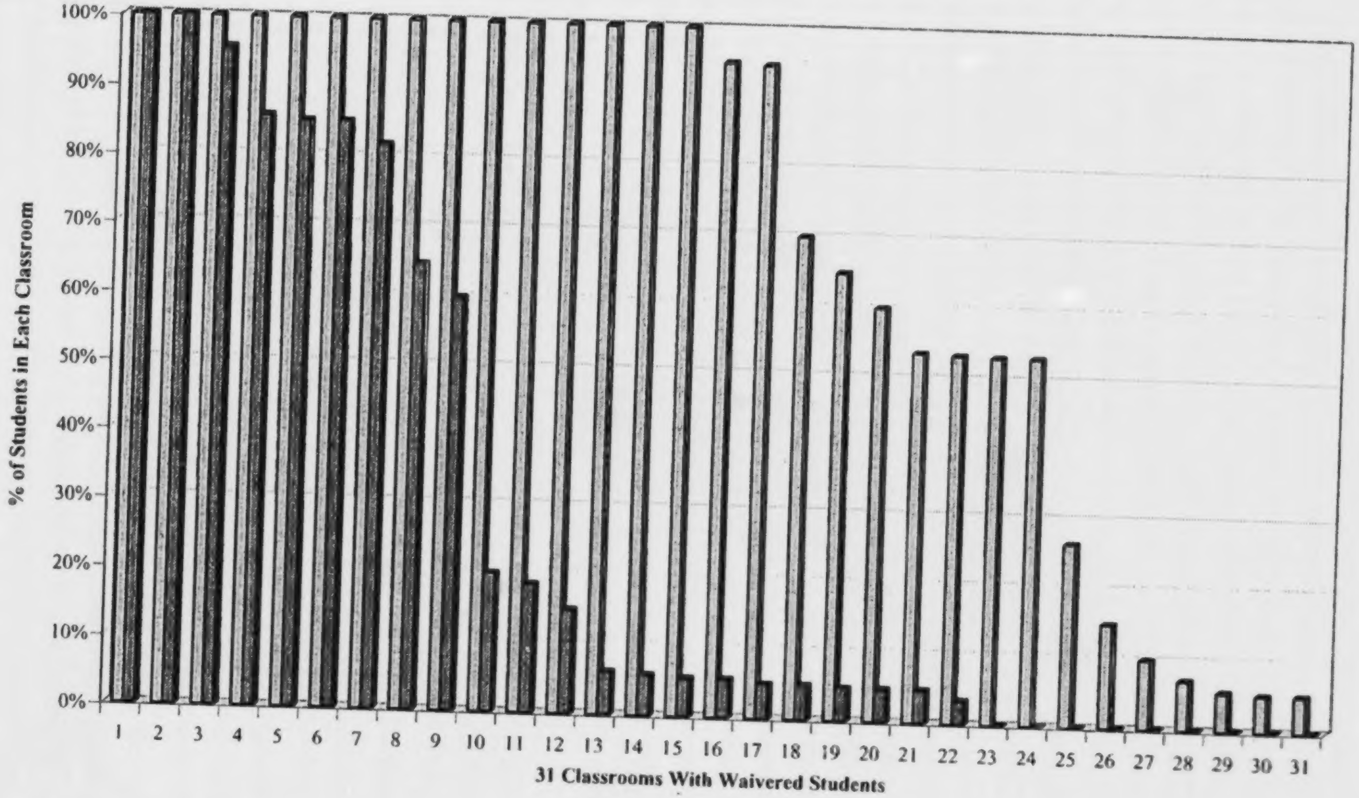
Figure 4.3
Percentage of Students Who are Waivered in 31 Classrooms Containing Waivered Students in One Elementary School in Los Angeles Unified, 1998-99 and September 2001*



* 38% of Hispanic LEP students are waivered in 1998-99 and 13% in September 2001.

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In School 3, 10 percent of the waivered students were in mainstream classes which agrees with the state data. School 4 had none of its waivered students in mainstream classes which also agreed with the state data. School 5, however, also had none of its waivered students in mainstream classes, but the state database indicated 29 percent were in mainstream classes. Only 40 percent of the schools on which I had data had all of their waivered students in bilingual education classes. Thus, some unknown percentage of waivered students were getting a program other than bilingual education, but it was showing up in the state database as bilingual education.

Figure 4.3 shows the distribution of waivered students in one elementary school in Los Angeles in Spring 1999 and in September 2001. This school had the largest number of waivered students of the schools I visited in 1999. But, in 1998-99, only 15 of the 31 waivered classrooms consisted of nothing but waivered students and in September 2001 only 2 of the 31 classrooms consisted of nothing but waivered students. This is important information because it is only in the 100 percent waivered classrooms that there is a high probability that the students are actually receiving bilingual education.

In one mixed classroom that I was in 1998-99, the teacher was assisting some students with Spanish and others with English reading and writing and going back and forth between the two. Whole-class instruction, however, was now mostly in English whereas previously it would have been in Spanish. Although the state statistics in 1998-99 showed the dozen waivered students in a bilingual education classroom, they were not. In short, in the schools I visited, the state data overestimated bilingual education enrollment because once a student was counted as waivered, the schools did not “unwaiver” them when they could not form a bilingual education classroom. Thus a "waivered" student may not necessarily be in a bilingual education classroom despite what the state database says.

Of course, the opposite is also true. At least in San Diego, the state database will show English Learners in sheltered English immersion classrooms that are taught 100 percent in Spanish during the first 30 days and by the end of the year at least half or more of the day in Spanish, including Spanish literacy instruction. This may be more instruction in English than occurs in Spanish bilingual classes, but it is not enough for a sheltered English immersion classroom. In my opinion, the San Diego public schools are flouting the law and yet no one has called them to task for this. The Superintendent of the San Diego City Unified School District seems oblivious to this since he continues to make statements supporting English language instruction for English Learners. The public watchdogs are apparently interested only in complaining about school districts that they believe are denying bilingual education to English Learners (e.g. Oceanside) or that are not adequately informing parents of their right to a waiver (e.g. Oceanside). There have been no complaints about school districts that are denying sheltered English immersion to English Learners nor of teachers that are recruiting parents to come in and sign waivers.

One interesting finding from my 1999 teacher interviews conducted in April and May is that the teachers I spoke to in Spanish bilingual education classes believed they were using more English than in the past. Two reasons were given for this. First, the Proposition 227 vote expressed the preferences of the electorate for a greater emphasis on English. Many teachers stated they were being responsive to their clients by increasing the English in bilingual education. Second, because there is no guarantee that a waivered class can be assembled for the next grade in the next year, teachers in bilingual education classes told me they were preparing their students for the possibility they would unexpectedly be in an English language classroom at the start of the next year.

In Fall 2001, I asked several of the former bilingual education teachers who were now teaching in English in sheltered English immersion classrooms how sheltered English immersion compared to bilingual education and whether they would ever go back to bilingual education. Not a single teacher said they would go back to bilingual education if they were given a chance. All preferred sheltered English immersion, despite the fact that they thought it was harder work for them as teachers. A recurring theme was that "bilingual education was a good theory, but in practice it just didn't work very well." One problem that bilingual education had to deal with was the fact that because many students change their residence from year to year, and even within a year, they could find themselves in bilingual education in one school, all-English in the next, and back to bilingual education in a third school.

Indeed, that can still happen under Proposition 227. It is possible for a child to be in a waivered bilingual education classroom in one school, move and find themselves in sheltered English immersion in the next school. This occurs less often if the whole school district has converted to sheltered English immersion since a lot of mobility is within a single district. But it will still occur when a student moves from one school district to another.

The teachers in Oceanside Unified School District, visited in September 2001, were especially happy with sheltered English immersion. The entire district had adopted sheltered English immersion upon the opening of school in September 1998. One teacher said she had never worked harder in her life, but the benefits had never been greater. Not only were her students learning English quickly, but the curriculum in the district was now coordinated in a way it had not been under bilingual education. Indeed, all of the teachers I talked to in Oceanside mentioned that one benefit of Proposition 227 was that "everyone was on the same page." The school district had curriculum standards and materials that were now basically the same for everyone. English Learners could be transferred from a sheltered English immersion classroom to a mainstream classroom and the curriculum would not change appreciably. A student could similarly transfer from one school to the next within Oceanside and not be in any danger of having their program changed from bilingual education to sheltered English immersion and back again. This was a theme that I did not hear in the other districts I visited. Although teachers in other districts were surprised and pleased at how fast their English Learners were learning English, and some remarked on how it made the eventual transition to an English language classroom easier, they did not emphasize the improvement in curriculum coordination the way it was emphasized in Oceanside because in fact they were still in schools and in districts with a mix of bilingual and sheltered English. It is clear to me that, at least in terms of teacher satisfaction, there is an advantage to having the whole school district convert to sheltered English immersion because it enables the school and the district to have a coordinated curriculum. As was pronounced frequently in Oceanside, "everyone is now on the same page."

Across all of the schools that I visited in Spring 1999 and Fall 2001, several themes emerged on how well structured English immersion was going. First, former Spanish bilingual education teachers were impressed by how quickly their Spanish speaking English Learners in kindergarten and first grade learned English and learned to read in English.[31] They were also surprised at how much they themselves liked teaching in a sheltered English immersion classroom, although they had never worked harder. Those that were asked in 2001 if they would ever want to return to teaching in a bilingual education classroom all responded with a resounding no. Bilingual education was a good theory they claimed, but in practice it had too many problems, which they attributed to a lack of support, materials, and teachers not to the program or theory itself.

Second, these same teachers were amazed at how much their younger students liked English and how proud they were of learning it. Third, the Cantonese bilingual teachers saw Proposition 227 as a non-event. In their minds, nothing had changed. Finally, in 1999 several of the former Spanish bilingual education teachers, although impressed by their students' short-term progress and pride in learning English, were worried about the long-term effect of learning English literacy first. They worried that the proponents of bilingual education were correct that English Learners would suffer a cognitive disadvantage if they are not taught literacy in their native tongue. In short, the former Spanish bilingual teachers were pleased at how well things seemed to be going, but worried about the long term consequences. The smaller number who were interviewed in 2001, however, did not express such worries. Three years of apparent success had quieted their fears.

In general, I would conclude that, despite some residual uneasiness about the future and an unwillingness to renounce the theory of bilingual education, former bilingual education teachers love sheltered English immersion. They perceive themselves as giving their students the sheltered, nurturing environment that they believe only a bilingual education teacher can provide, and providing an adequate exposure to English that they worried was lacking in the bilingual education programs they used to teach in.

The pride in learning English that was observed in the children by the sheltered English immersion teachers may explain why the research shows that bilingual education has, on average, no effect on the self-esteem of Spanish speaking English Learners (see literature reviews by Rossell and Ross, 1983; Baral, 1983; Rotberg, 1983; Alexander and Baker, 1992). On the one hand, bilingual education elevates the language of the home to a higher status than it would ordinarily have and common sense would suggest that this would have a positive impact

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[31] See Haager, et al., 2001 for a similar conclusion.

on the self esteem of the children enrolled. On the other hand, it is just not possible for bilingual education to raise the language of the home to the status of English since English is the language of this country and the home language is not. The students in these programs thus receive two contradictory messages: 1) the language of your home is important enough for it to be the language of the classroom, and 2) you are not ready to be instructed in the language of this country and this school, the language of power and prestige, and you must be segregated from the English speaking students for many years. The latter negative message may counteract the positive effect of the first message which may explain why the most common outcome is typically no difference in self-esteem between students enrolled in bilingual education and those enrolled in a mainstream classroom.

There is a grade progression in the percentage waivered into bilingual education. Teachers put most of their energy into converting the early grade students where literacy instruction begins. As shown in Figure 4.4, among the schools I visited in 1998-99 and again in September 2001, the percentage with waivered students declined with each grade. Although there are waivered students at the secondary level in these districts and statewide, there were none in the schools visited.

Trends in Bilingual Education Enrollment

The effect of Proposition 227 on program enrollment, using the old categories is shown in Figure 4.5. The underlying data is in Table F.1 in Appendix F. Pre and post Proposition 227 comparisons can only be made with the old program categories. The percentage of English Learners enrolled in bilingual education was about 33 percent until 1993-94 when it declined by 5 percentage points to 28 percent. In 1998-99, it plummeted to 12 percent with the

Figure 4.4
Percentage of Observed Hispanic Schools with Waivered Students by Grade, 1998-99 and September 2001

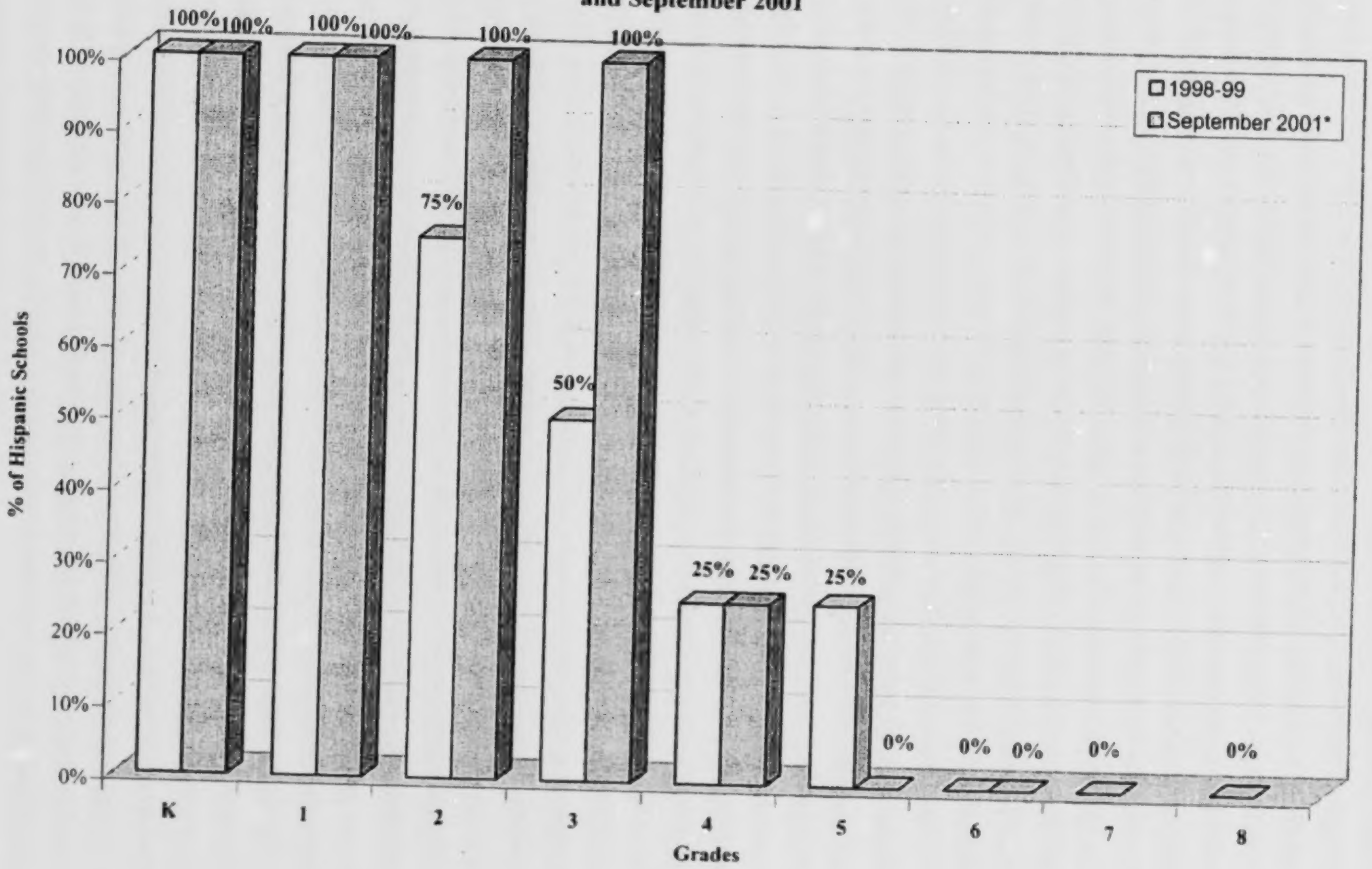

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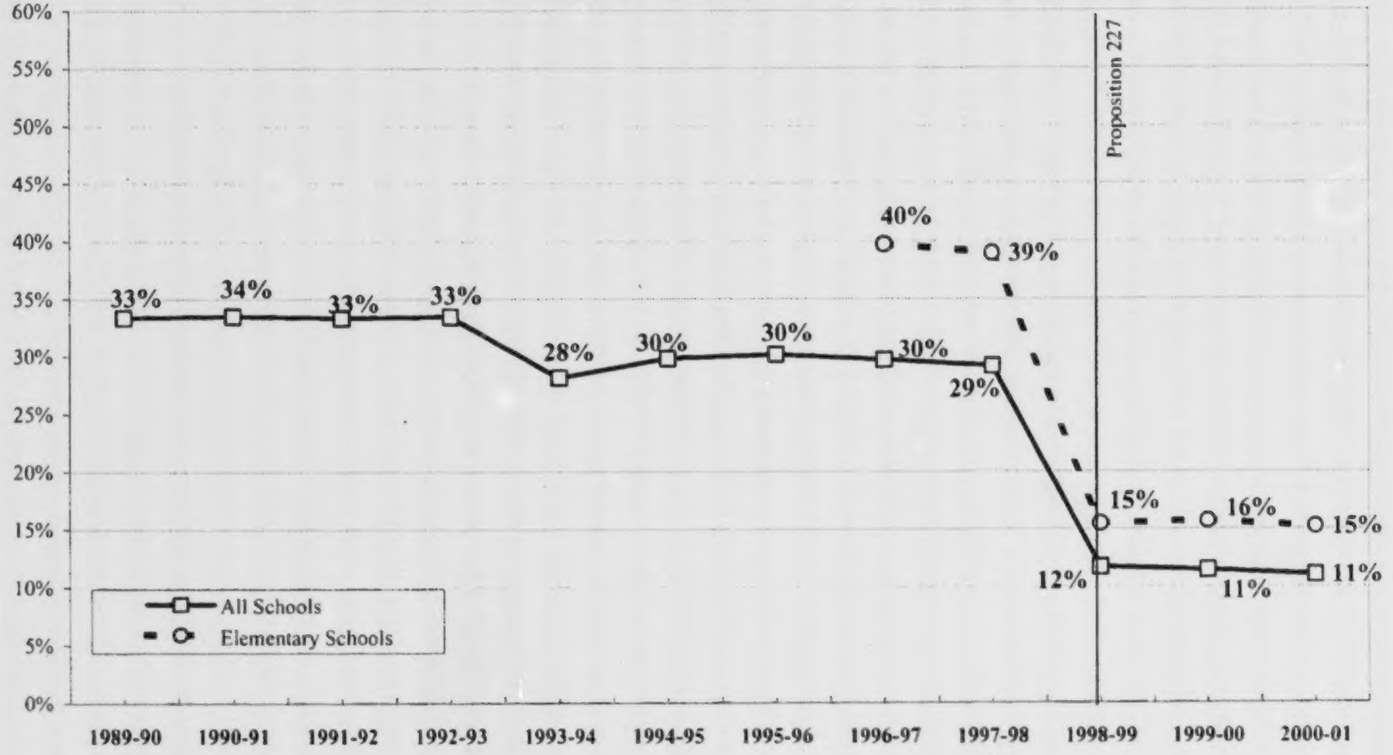
Figure 4.5
Percentage of English Learners Enrolled in Bilingual Education (Old Category)
in California,
1989-90 to 2000-01



implementation of Proposition 227, but not to zero as many had hoped. In 1999-00, it only declined one more percentage point to 11 percent where it remained in 2000-01.

The decline for elementary schools, using the old program categories, is more dramatic, but again bilingual education was not eliminated. As shown in the top line of Figure 4.5 and in Table F.2 in Appendix F, the percentage of elementary English Learners enrolled in bilingual education dropped by 24 points to 15 percent in 1998-99, rose slightly to 16 percent in 1999-00, and went back to 15 percent in 2000-01.

Figure 4.6 compares the percentages of elementary English Learners enrolled in each of the six programs for English Learners for two years before and three years after Proposition 227 using the old categories. About 7 percent of elementary English Learners are enrolled in ESL pullout (English Language Development), another 9 percent are receiving no services or some other service,[32] and this has changed very little since Proposition 227. The big increases have occurred in sheltered English (SDAIE) and English with L1 support. Although in principle Proposition 227 requires that everyone not in bilingual education be enrolled in sheltered English, according to these data only 36 percent of elementary English Learners are.

Figure 4.7 displays the same analysis for secondary students. About 10 percent of secondary English Learners were enrolled in bilingual education before Proposition 227 and about 3 percent after. There has been a small increase in sheltered subject enrollment, but only about a third of secondary English Learners are enrolled in the sheltered English program mandated by Proposition 227.

Figures 4.6 and 4.7 demonstrate that bilingual education after Proposition 227 is essentially an elementary school program. There are very few secondary students enrolled in

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[32] The state only began using "other services" in 1998-99. Prior to that there were two residual categories called "withdrawn" and "none." It is not clear which category "other services" might have been put in.

Figure 4.6

Percentage of Elementary English Learners Enrolled in Each Program Model (Old Categories) in California, 1997-98 to 2000-01

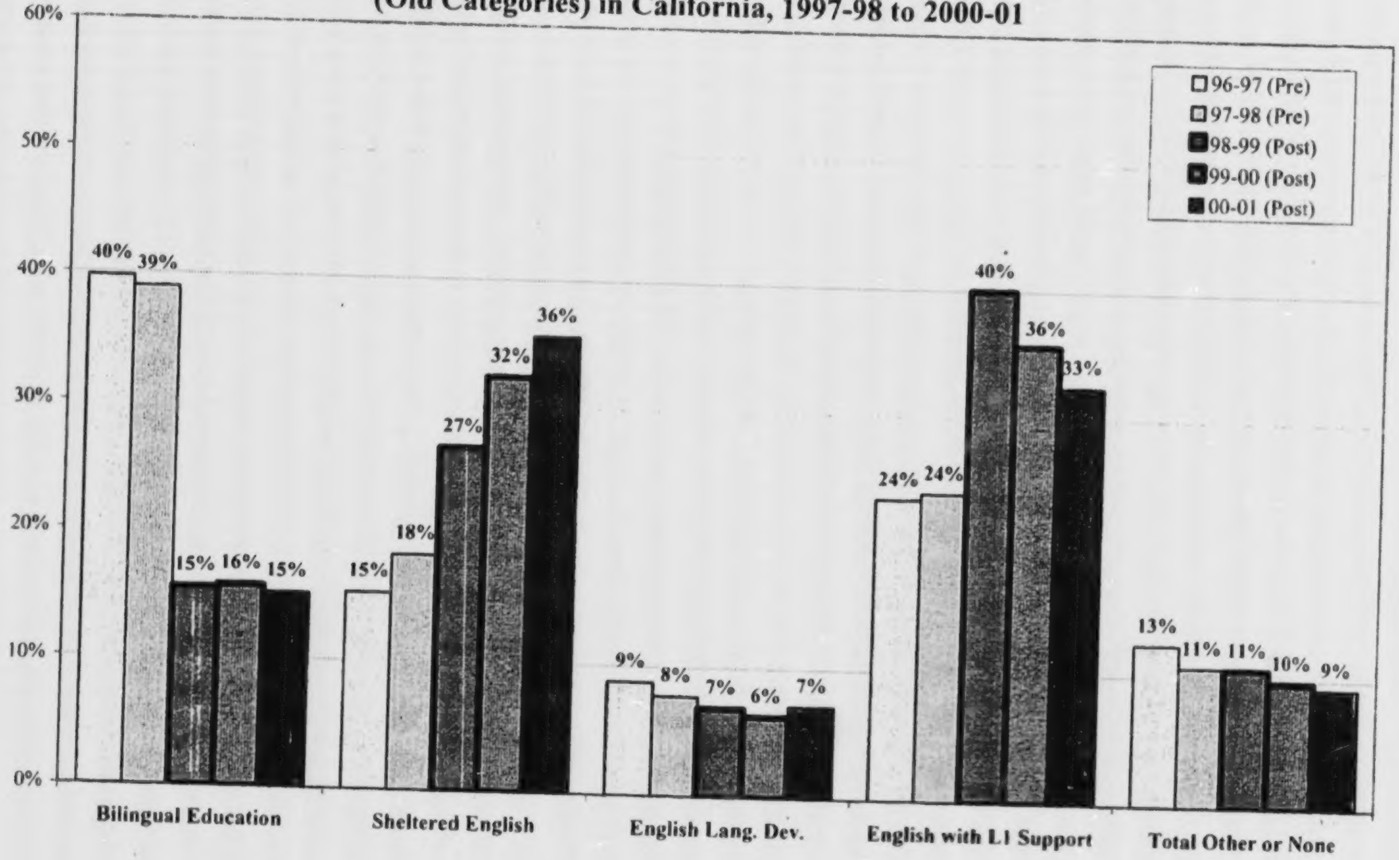

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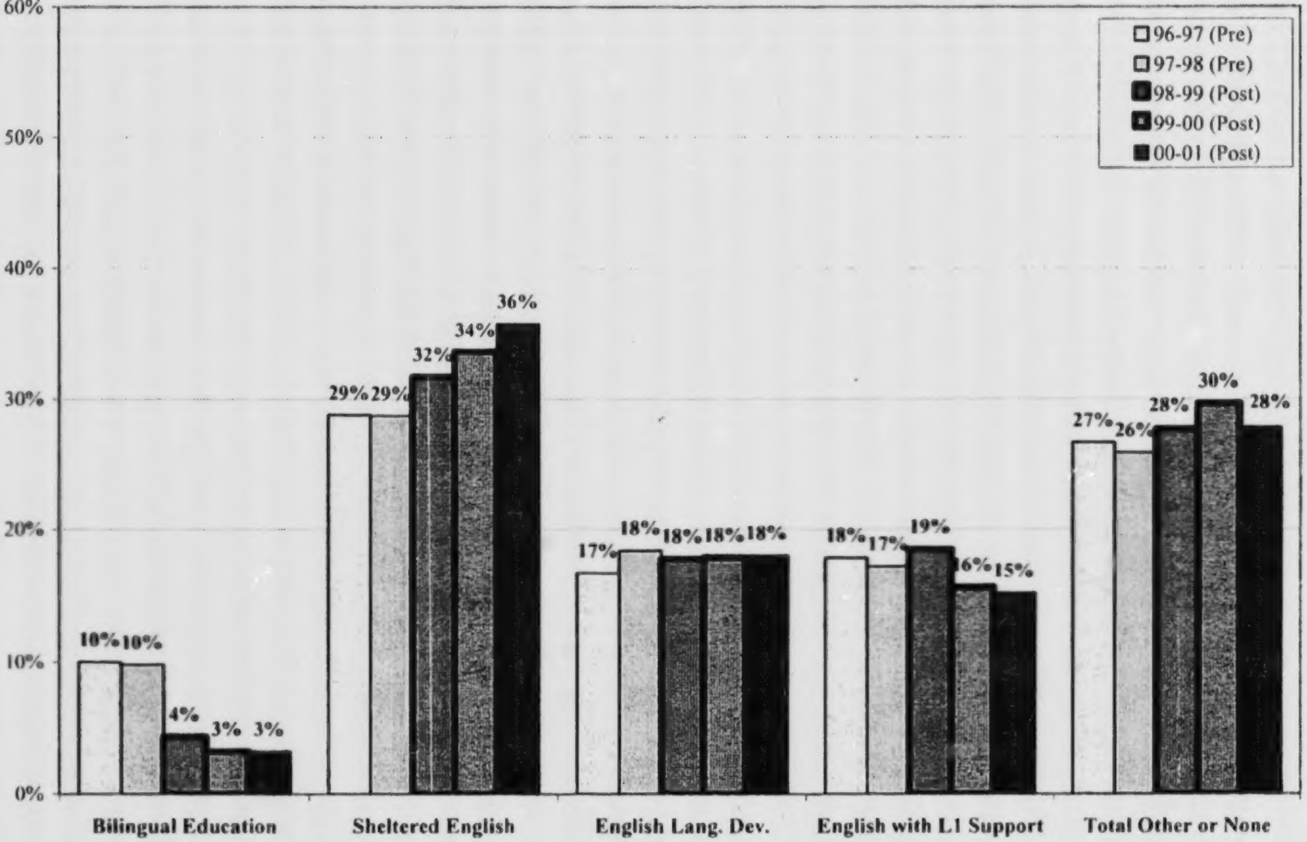
Figure 4.7
Percentage of Secondary English Learners Enrolled in Each Program Model (Old Categories) in California, 1997-98 to 2000-01



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bilingual education, despite the fact that Proposition 227 makes it legal for school districts to offer bilingual education to students older than 10 without any documentation of special need as must occur with younger children.

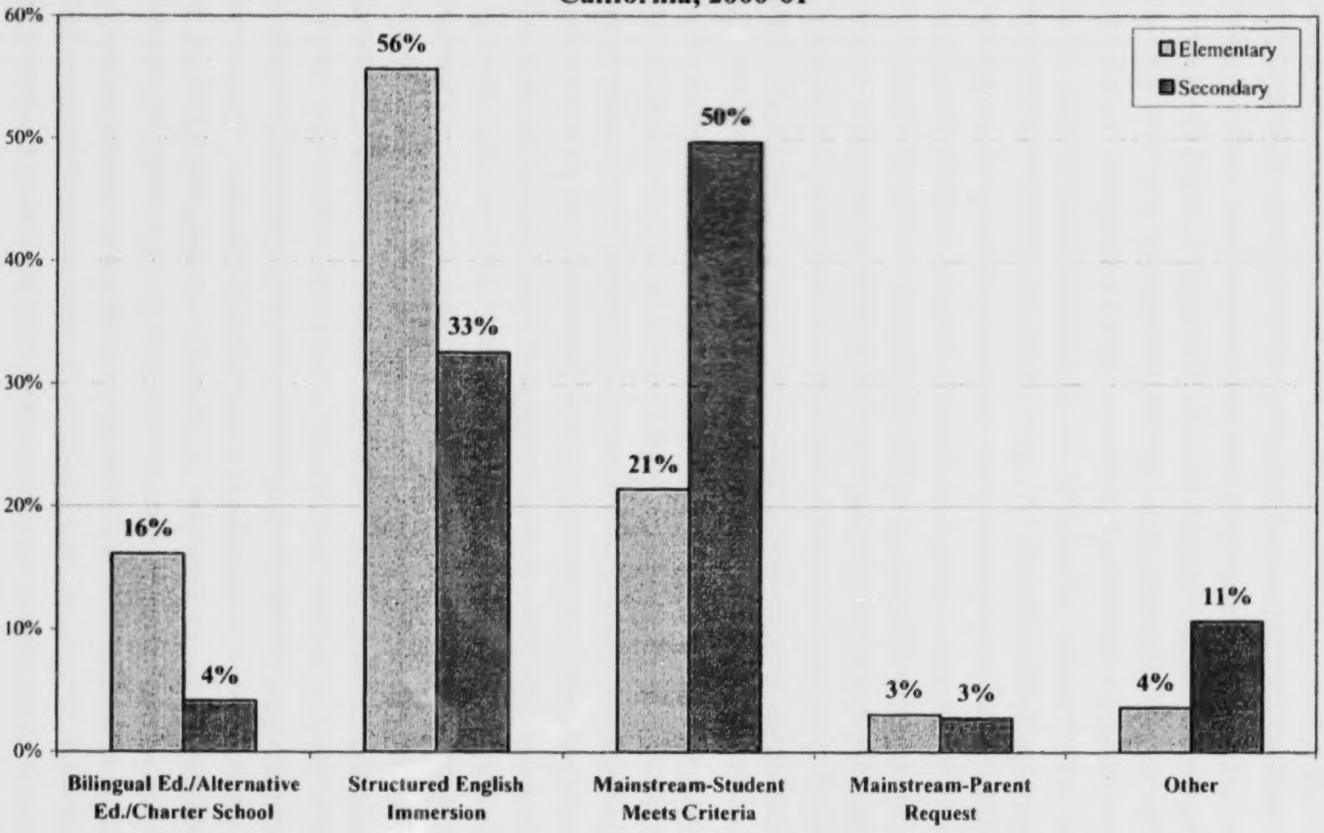
Figure 4.8 directly compares program enrollment in 1999-00 for elementary and secondary students using the new state categories. According to the language census, 54 percent of elementary English Learners are enrolled in Structured English Immersion. This is more than 20 points higher than the percentage of elementary English Learners enrolled in SDAIE, labeled Sheltered English in the figures based on the old state categories. Thus, some school district officials apparently view Structured English Immersion as different from SDAIE.

Interestingly, almost 21 percent of elementary English Learners and 49 percent of secondary English learners are in a mainstream classroom because they meet the criteria of having achieved “a good working knowledge” of or “reasonable fluency” in English, although they have not achieved the test score that would get them reclassified. This fact only underscores the problems with the exit criteria—there are English Learners with a good working knowledge of English, who nevertheless cannot be reclassified because they have not achieved the test score criterion.

The above statistics are totals for the state. If we look at the range of the school districts affected, we find that the impact of Proposition 227 was widespread. There were 904 school districts in California in 1997-98. Of these, 495 or 55 percent, had no students enrolled in bilingual education. Among the 409 school districts in California that had at least some students enrolled in bilingual education before Proposition 227, 66 percent had a 50 percent or greater reduction in bilingual education, 47 percent eliminated their bilingual education programs entirely, and almost 90 percent had at least some reduction in bilingual education.

Figure 4.8

Elementary and Secondary English Learner Program Enrollment (New Categories) in California, 2000-01



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Los Angeles, San Francisco, and San Diego, are shown in Figure 4.9 and 4.10 and in Appendix F, Tables F.3 through F.8. We can see that there is quite a bit of difference among them in the effect of Proposition 227. Using the old program categories, the data clearly indicate that San Francisco Unified did not implement Proposition 227 in the first year, but the percentage enrolled in bilingual education declined by seven more points in 1999-00 and another point in 2000-01. Individual schools deviated a little, but not a lot, from the central administration's position that they could ignore Proposition 227. One principal in a San Francisco elementary school with a Chinese bilingual education program[33] incorrectly interpreted 227 as giving her permission to mainstream all of her Chinese English Learners since she no longer had to pretend they were teaching them in Cantonese. As of 1999-2000 year there were no students enrolled in bilingual education in that school, compared to 120 the year before and 109 the year after Proposition 227.

The real effect of Proposition 227 is on the Spanish speaking English Learners because they are the only English Learners in bilingual education who had a change in their language of instruction. Los Angeles shows the largest drop in bilingual education enrollment from 34 percent to 5 percent across all grades with the implementation of Proposition 227. At the elementary level, the drop is from 46 percent to 8 percent in 1999-00.

None of the districts have much bilingual education enrollment at the secondary level. Even San Francisco has only 14 percent of its secondary students enrolled in bilingual education. The other two districts have 2-3 percent, as does the state as a whole.

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[33] Although California does a better job than most states in distinguishing between the different Chinese languages in their statistics, the people who administer and teach in the programs do not make these distinctions. Since they teach in English, it is not important to them to distinguish between Cantonese and Mandarin programs. In their conversations with me, the teachers and principals universally called their programs, "Chinese" bilingual education--in other words, programs for English Learners from China.

Figure 4.9
Percentage of Elementary English Learners Enrolled in Bilingual Education in Los Angeles, San Diego, San Francisco and State, 1996-97 to 2000-01

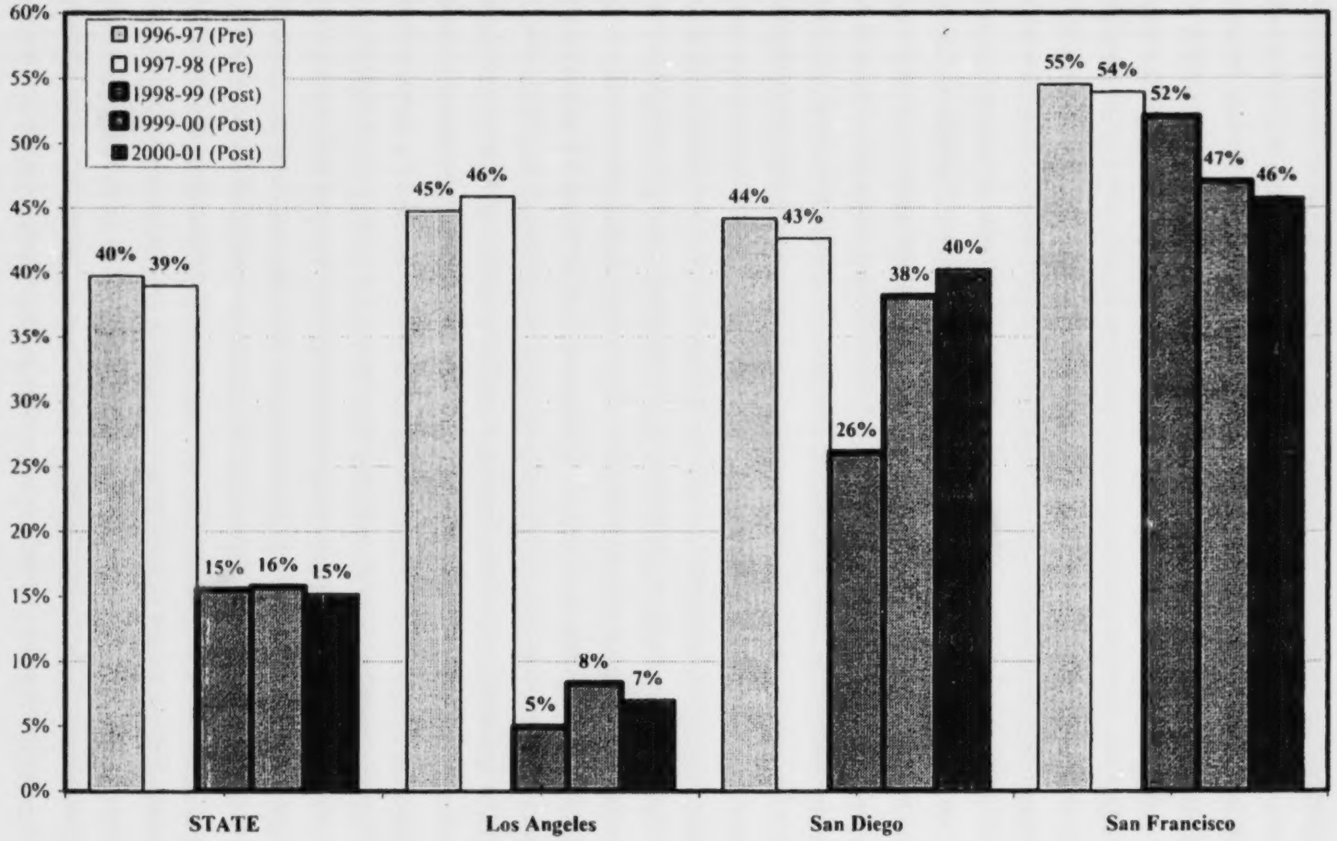

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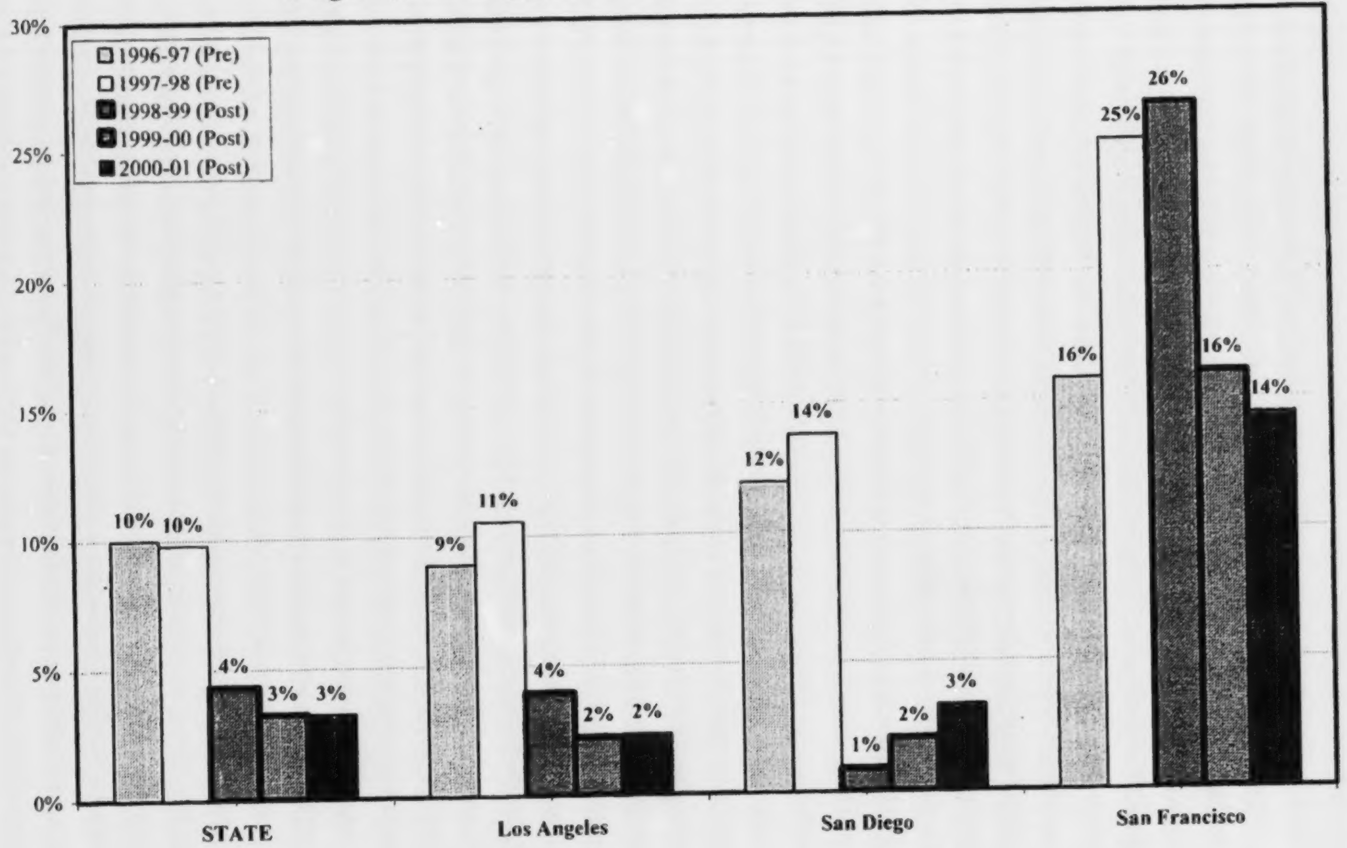
Figure 4.10
Percentage of Secondary English Learners Enrolled in Bilingual Education in Los Angeles, San Diego, San Francisco and State, 1996-97 to 2000-01



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To some extent Los Angeles' adherence may be a little misleading, since Model B of Structured English Immersion is characterized by up to 30 percent of instruction in Spanish. In fact, on June 30, 1999, a grand jury found that Model B was in violation of Proposition 227. But San Diego has a "30 percent native tongue" program that appears to use more than 30 percent Spanish in instruction and, more importantly, specifically includes Spanish *literacy*. San Diego experienced a fairly large drop in bilingual education enrollment in the first year, but is now approaching pre-Proposition 227 levels with 40 percent of its elementary students enrolled in bilingual education. Indeed, at this level it is only 6 points below San Francisco which claims it can ignore Proposition 227.

I visited many Model B classrooms in Los Angeles and I found them to be substantially different from a typical Spanish bilingual education classroom, and very different from San Diego's so-called sheltered English immersion program, in that they do not teach Spanish *literacy*. Students learn to read and write in English and the teachers I talked to were quite emphatic about this being necessary for compliance.

I agree with the teachers that these programs are in compliance. Using Spanish to explain and clarify when teaching English literacy is not the same as teaching Spanish literacy itself. The amount of time it takes to master Spanish reading, and in particular, Spanish writing, is time taken away from English. Spanish literacy may be easier to achieve than English literacy for a Spanish speaking child who does not speak English, but it is not effortless. Spanish literacy is a time consuming, difficult process for Spanish speakers just as English literacy is a time consuming, difficult process for English speakers. In the 30 percent native tongue programs in Los Angeles, Spanish literacy is avoided and Spanish is a bridge to English, not an end. As a result, it is my opinion that these programs are in compliance with the spirit of sheltered English immersion programs. I do not believe that is the case with the San Diego programs, however, because they teach Spanish literacy.

A conversation I had with a Spanish bilingual education program teacher in San Diego who was teaching in a waivered bilingual education classroom illustrates the difference between using Spanish as an aid to instruction and teaching Spanish literacy. I asked this teacher if she was using more English or about the same as she did last year at this time (April) when she taught a similar bilingual education class. She said she was definitely using more English. But she did not want to attribute it entirely to the message sent by the voters as many other teachers had. She said the difference was due to the fact that last year at this time her students were at such a low level in *Spanish* literacy that she felt she could not transition them to English.

And that is the core of the problem with the theory behind bilingual education. If you take it literally—that students must become fully literate in their native tongue before they can be taught English literacy—it is possible for a student to get stuck in Spanish because they cannot reach a level that teachers consider proficient. Model B eliminates this problem because the students are not acquiring Spanish literacy. Moreover, the research on bilingual education shows no harm, and some benefit, from programs that are very similar to the Los Angeles 30 percent native tongue programs.[34] In short, I believe the Los Angeles Grand Jury erred in declaring Model B in Los Angeles to be in violation of Proposition 227. I think it is a reasonable and pedagogically sound adaptation of Proposition 227. I am not so sure about the San Diego sheltered English immersion program, however. If it truly teaches Spanish literacy, it is in violation of the law.

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[34] See for example, Gersten and Woodward (1995) which describes the success of a program that closely resembles Model B.

In addition to these three school districts, there are several other school districts that have received considerable publicity for one reason or another. Figure 4.11 shows the percentage enrolled in bilingual education in five school districts involved in litigation with the state. The school districts that sued the state to stop the testing of English Learners are Berkeley, Hayward, Oakland, and San Francisco.[35] San Jose is the only school district that successfully sued the state to avoid implementing Proposition 227 because of a conflicting legal obligation.

Figure 4.11 addresses two questions. The first is whether the districts that wanted to avoid testing English Learners on the SAT 9 were districts that continued bilingual education. The answer to that question is yes. Berkeley, Hayward, and San Francisco had virtually no change in their elementary bilingual education enrollment with the implementation of 227 and Oakland's bilingual education percentage actually doubled from 26 percent before Proposition 227 to 57 percent in the first year. All four districts were well above the state in elementary bilingual education enrollment after Proposition 227 and this is probably an important reason why they wanted to avoid testing their English Learners in English.

The second question Figure 4.11 addresses is whether the two districts--San Jose and San Francisco--that maintained that they could not implement Proposition 227 because of conflicting legal obligations did in fact not implement it. The answer to that question is that they partially implemented it--San Jose more so than San Francisco. The former had a large reduction in its bilingual education enrollment with Proposition 227 from 75 percent to 56 percent, 54 percent, and in 2000-01 to 53. Although it was under no legal obligation to do so, San Jose asked parents to sign waivers before their children could be enrolled in bilingual education. San Francisco also

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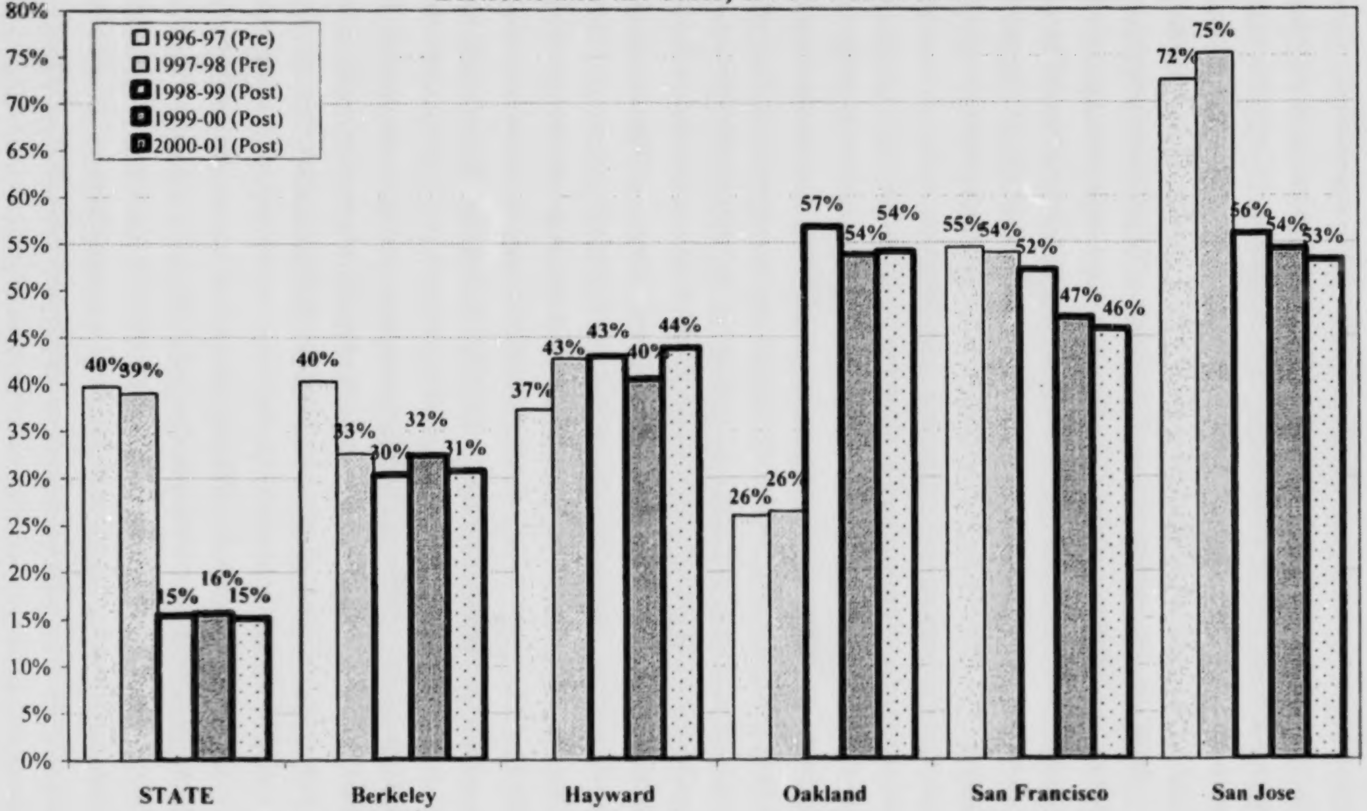
[35] The lawsuit, *California Department of Education v. San Francisco Unified School District*, (Superior Court of SF) was initiated by the CDE against San Francisco on April 2, 1998. SFUSD then countersued the state on May 18, 1998. Oakland, Berkeley, and Hayward then intervened against the state on their own behalf on June 24, 1998. A settlement was reached on November 20, 2000 and all districts agreed to test English Learners on the SAT9.

Figure 4.11
Percentage of Elementary English Learners Enrolled in Bilingual Education in Five Districts and the State, 1996-97 to 2000-01



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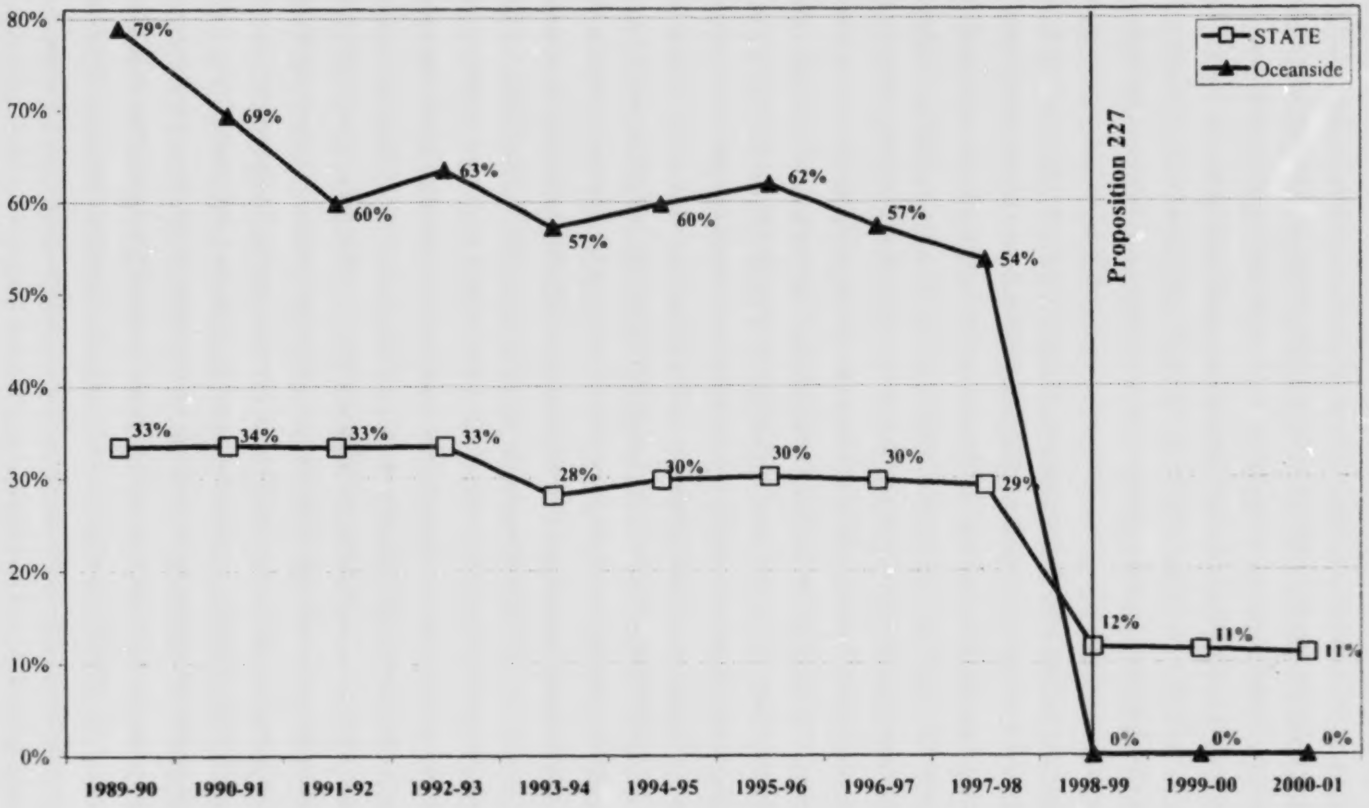
experienced a small reduction in bilingual education enrollment from 55 to 47 percent. Despite the fact that it believed it did not have to implement Proposition 227, San Francisco Unified also asked parents to approve their child's assignment to bilingual education, although it could be done by mail.

Another school district that has received considerable publicity, first because of its alleged increase in test scores, and second, because of the state complaint against it, is the Oceanside Unified School District. Figure 4.12 compares the percentage of English Learners enrolled in bilingual education from 1989-90 through 1999-00 in Oceanside to the state as a whole. In the years before Proposition 227, Oceanside was well above the state enrollment in bilingual education and in the years after well below the state enrollment in bilingual education.

Table G.1 in Appendix G shows the bilingual education and English Learner enrollment pre and post Proposition 227 for the largest school districts in the state—those at or above 20,000 enrollment in 2000-01. That includes all of the school districts discussed above, except Berkeley, which is a little less than 10,000 students. The largest school districts had more than half of the bilingual education enrollment in the state.

These statistics indicate that Proposition 227 had a fairly large effect on the percentage and number enrolled in bilingual education in these districts. There were, however, a few school districts with substantial bilingual education enrollment before Proposition 227 that had little or no change afterwards—San Diego Unified, Fremont Unified, Fresno Unified, Hayward Unified, Sweetwater Union High, West Contra Costa Unified, Placentia-Yorba Linda Unified, and Oakland Unified. As noted above, Oakland actually had an *increase* of 22 percentage points in the first year of Proposition 227 and over three years the increase was 16 percentage points.

Figure 4.12
Percentage of English Learners Enrolled in Bilingual Education in Oceanside Unified School District and the State, 1989-90 to 2000-01



The statistics for the entire group of large school districts are summarized in the bottom row of the second page of Table G.1 in Appendix G. In these districts, Proposition 227 reduced bilingual education enrollment by 156,284 students from 243,924 to 87,640 in the first year. The percentage enrolled was reduced by 19 percentage points from 29 to 10 percent in the first year of its implementation.

In the second year of Proposition 227, however, bilingual education enrollment *increased* by 8,066 students in the largest school districts. It has remained constant at 11 percent of English Learners enrolled in bilingual education as of 2000-01.

Table G.2 shows the same analysis for elementary schools with the summary statistics again on the bottom row of the second page of the table.[36] There was a decline of 137,626 elementary English Learners enrolled in bilingual education in 1998-99, but an *increase* of 10,000 in the next year in the largest school districts, only slightly offset by a decrease of 1,942in 2000-01. If we look at the percentage of elementary English Learners enrolled in bilingual education in the largest school districts, there was a slightly greater decline than in the state as a whole--from 39 percent to 13 percent in 1998-99, but this increased to 15 percent in 1999-00 where it remained in 2000-01. Thus, the largest school districts show pretty much the same trends as the state as a whole--a large decline in bilingual education in 1998-99 and a small increase in bilingual education in 1999-00 with no change in 2000-01.

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[36] Five of the largest school districts, Anaheim Union High, East Side Union High, Grossmont Union High, Kern Union High, and Sweetwater Union High dropped out of this particular analysis because they do not have elementary schools.

What Kinds of Schools Continued Bilingual Education After Proposition 227?

Bilingual education enrollment after Proposition 227 is explained by the same variables that explained bilingual education enrollment before Proposition 227. These variables are shown in Table 4.1, using the old program categories. As was the case before Proposition 227, the most important explanatory variable is the number of Spanish speaking English Learners in a school. But Proposition 227 has reduced the strength of the relationship between the number of Spanish speaking English Learners and the number enrolled in bilingual education from a Beta of .95 to .66 for elementary schools and from .67 to .47 for secondary schools. The explained variation has declined from .78 for elementary schools in the year before Proposition 227 to .28 in 2000-01 and from .45 for secondary schools in the year before Proposition 227 to .19 in 2000-01.

As shown in Figure 4.13 for all students and 4.14 for elementary students, the percentage enrolled in bilingual education increases as the number of Spanish speaking English Learners increases just as it did before Proposition 227. The range, however, has been reduced from four to 38 percent before Proposition 227 to two to 15 percent after Proposition 227 across the same groups.

Figure 4.14 shows the same analysis at the elementary level. Although the percentages are higher, there is a similar relationship between the number of Spanish speakers in a school and the number enrolled in bilingual education. There is also a reduction in the range with Proposition 227. There is a difference in that at the elementary level, schools with more than 240 elementary Spanish speaking English Learners experienced an increase of five percentage points, from 15 to 20 percent, in the percentage enrolled in bilingual education in 1999-00, which changed little in 2000-01.

Table 4.1

Predictors of the Number of English Learners (EL) Enrolled in Bilingual Education in Individual Schools in California After Proposition 227, 2000-01

	ELEMENTARY					SECONDARY				
Dependant Variable=	Mean	b	Beta	t	Signif. Level	Mean	b	Beta	t	Signif. Level
Number in Bilingual Education 1999-00	30					7				
Constant		26.229		7.63	0.000 *		-0.045		-0.05	0.962
Number Spanish EL Students, 1999-00	165	0.250	0.66	30.87	0.000 *	161	0.053	0.47	19.92	0.000 *
Number of Vietnamese EL Students, 1999-00	5	-0.116	-0.02	-1.83	0.067	5	-0.054	-0.04	-2.20	0.028 *
Number of Hmong EL Students, 1999-00	3	0.054	0.01	0.87	0.383	4	0.048	0.04	1.68	0.093
Number of Cantonese EL Students, 1999-00	3	0.556	0.11	8.52	0.000 *	3	0.175	0.11	5.21	0.000 *
Number of Philipino EL Students, 1999-00	2	0.113	0.01	0.65	0.515	3	0.171	0.05	2.53	0.012 *
Number of Khmer EL Students, 1999-00	2	0.201	0.02	1.92	0.055	3	-0.083	-0.04	-1.94	0.053
Number of Korean EL Students, 1999-00	2	-0.088	-0.01	-0.98	0.327	2	0.039	0.01	0.70	0.485
Number of Armenian EL Students, 1999-00	1	-0.111	-0.02	-1.89	0.059	2	-0.049	-0.04	-2.12	0.034 *
Number of Mandarin EL Students, 1999-00	1	-0.646	-0.04	-2.76	0.006 *	2	-0.113	-0.04	-1.74	0.082
Number of Laotian EL Students, 1999-00	1	1.528	0.06	4.65	0.000 *	1	-0.134	-0.02	-0.89	0.376
Total Enrollment, 1999-00	611	-0.043	-0.14	-7.81	0.000 *	1065	-0.002	-0.06	-2.46	0.014 *
Percentage Eligible Free or Reduced Lunch, 1999-00	43	-0.318	-0.11	-6.86	0.000 *	33	-0.009	-0.01	-0.63	0.528
Adjusted r2		0.28					0.19			
N		5,074					2,583			

* Statistically significant at .05 or better.

Figure 4.13
Percentage of English Learners in Bilingual Education in California Schools Pre and Post Proposition 227 by Number of Spanish Speaking English Learners, 1997-98 to 2000-01

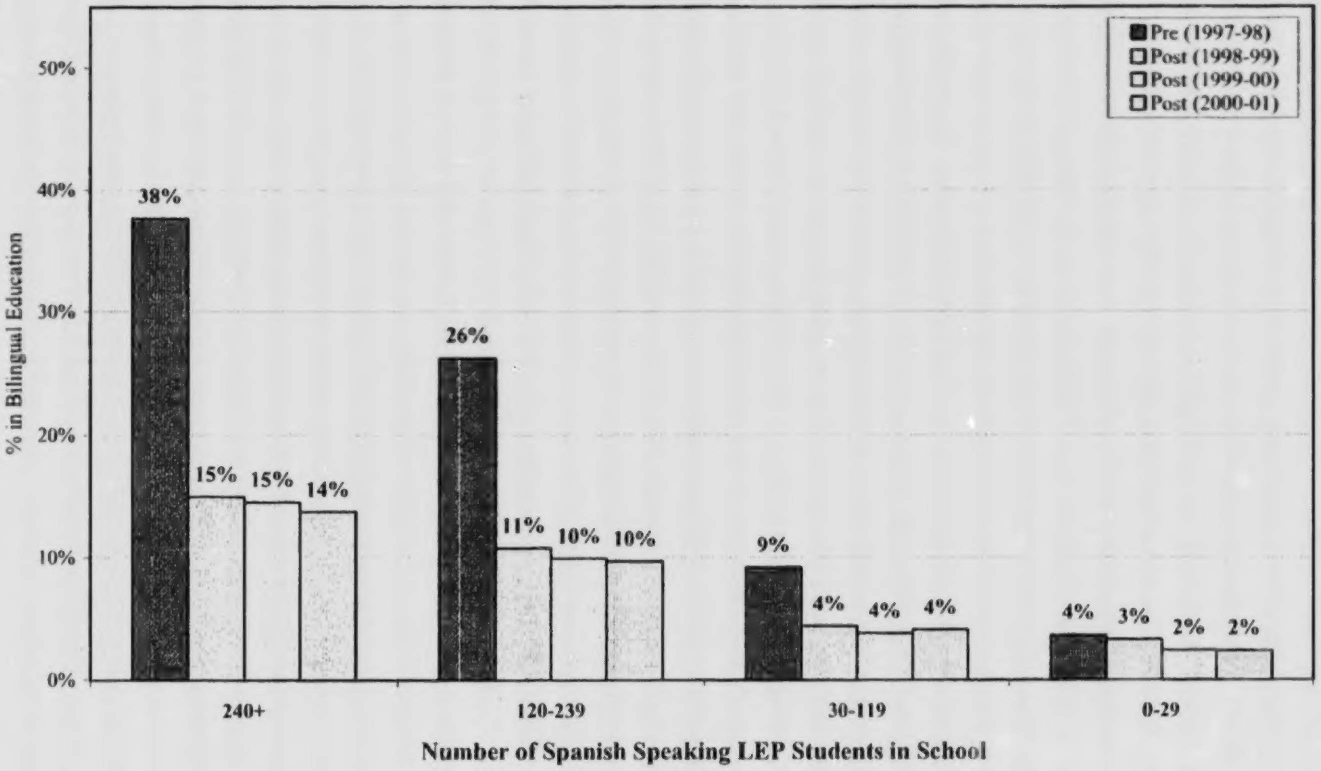
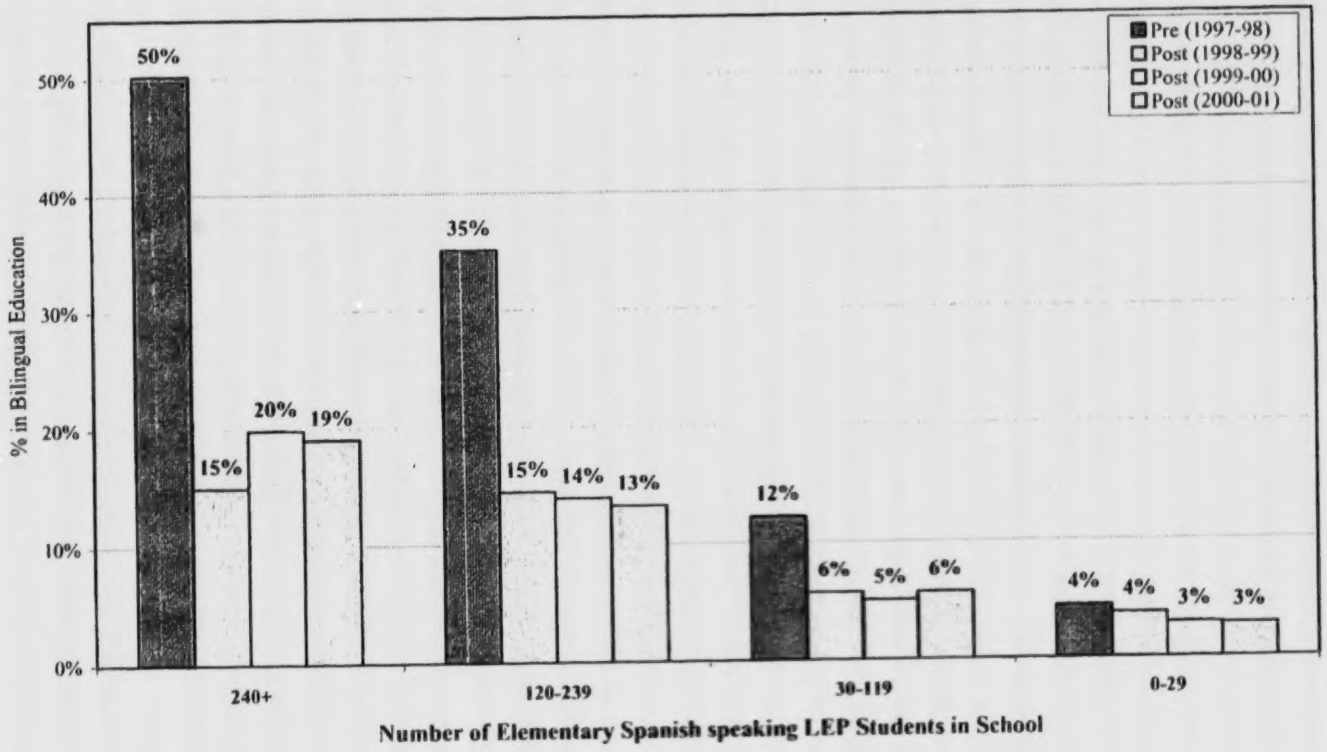


Figure 4.14
Percentage of Elementary English Learners in Bilingual Education in California Schools
Pre and Post Proposition 227 by
Number of Elementary Spanish Speaking English Learners, , 1997-98 to 2000-01



In short, despite the reduction in bilingual education, there is still a strong and significant correlation between the bilingual education enrollment in a school before and after Proposition 227. The data in Table 4.2 indicate that schools which had larger numbers and higher percentages of students enrolled in bilingual education before Proposition 227 also had larger numbers and higher percentages enrolled afterwards.

Table 4.3 shows the same analysis for districts. The school districts with greater bilingual education enrollment before Proposition 227 had greater bilingual education enrollment afterwards. Thus, although Proposition 227 reduced bilingual education, it did not end it. Schools with greater numbers of Spanish speaking English Learners had more students enrolled in bilingual education before and after Proposition 227. Schools and school districts with more English Learners enrolled in bilingual education before Proposition 227 had more English Learners enrolled in bilingual education after Proposition 227. In addition, although bilingual education enrollment declined dramatically in the first year after Proposition 227, it increased slightly in the second year where it basically remained in the third year, particularly in the schools with large numbers of Spanish speakers.

Table 4.2
Correlation Between Number and Percentage of English Learners Enrolled in Bilingual Education Pre and Post Proposition 227 in California Schools

	Schools						
	Number 1998-99	Number 1999-00	Number 2000-01	% Enrolled 1997-98	% Enrolled 1998-99	% Enrolled 1999-00	% Enrolled 2000-01
Number 1997-98	.60*	.64*	.61*	.74*	.44*	.46*	.44*
% 1997-98	.52*	.51*	.51*		.61*	.62*	.59*

*Statistically significant at .01 or better.

Table 4.3
Correlation Between Number and Percentage of English Learners Enrolled in Bilingual Education Pre and Post Proposition 227 in California School Districts

	Schools						
	Number 1998-99	Number 1999-00	Number 2000-01	% Enrolled 1997-98	% Enrolled 1998-99	% Enrolled 1999-00	% Enrolled 2000-01
Number 1997-98	.73*	.83*	.78*	.15*	.11*	.12*	.09*
% 1997-98	.29*	.26*	.27*		.60*	.59*	.47*

*Statistically significant at .01 or better.

5. Did Bilingual Education Harm English Learners in California?

Proposition 227 was predicated on the assumption that English Learners had been greatly harmed by bilingual education. Article I, section 300(d) states:

> WHEREAS the public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children;...

Yet, the California State Department of Education supported bilingual education for almost three decades from 1972 to 1998, continuing to enforce the provisions of the Chacon-Moscone Bilingual-Bicultural Act after it sunsetted in 1989 until the day that Proposition 227 passed in June 1998. Not only did the Department enforce compliance with the sunsetted act, but it sponsored scores of pro-bilingual education reports, manuscripts, and books that provided the theoretical and empirical foundation for bilingual education.

The critics of bilingual education were not as active or influential. They tended to base their criticisms on personal experiences, including numerous instances of Hispanic parents being prevented from withdrawing their children from bilingual education.[37] They alleged bilingual education was a "failure" because the immigrant children enrolled in it did not learn English. However, an equally important source of outrage seems to have been the obstacles thrown in the path of parents who wanted to get their children out. Indeed, this was the origin of Proposition 227. When a group of Hispanic garment workers in Los Angeles Unified School District were unable to withdraw their children from bilingual education during the 1997-98 school year, an

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[37] An organization called LEAD was created by Sally Peterson in Los Angeles in March 1987 to reform bilingual education and to support parents who wanted their children taught in English. Gloria Matta Tuchman, later to be a co-chairman of Proposition 227, was an Orange County teacher who also became active during this time period and for similar reasons.

Episcopalian nun, Alice Callahan, organized a boycott that attracted the attention of Ron Unz. He in turn began to think in terms of a statewide initiative to protect the rights of all Hispanic parents who were having difficulty withdrawing their children from bilingual education.

This chapter looks at the impact of bilingual education, and its inverse, sheltered English immersion, on academic achievement in California schools since Proposition 227 and it summarizes research that has been conducted nationwide on the educational impact of bilingual education. There are several reasons why the nationwide empirical research on the effectiveness of bilingual education is important. First, the findings help us understand why bilingual education was supported for decades. As we shall see, the evidence against it is not so strong that it cannot be ignored. Second, we will have a better understanding of Proposition 227 and its likely success if we understand the empirical research on which it was based. Once Ron Unz had made the decision to draft a statewide initiative, our book, and undoubtedly others like it,[38] seem to have been the foundation for its specific characteristics. A number of our recommendations (including some of the most controversial) are in Proposition 227. Third, the research evidence helps us to understand the constraints on the success of Proposition 227. If bilingual education is not the disaster its critics allege, then Proposition 227 is not going to be the salvation hoped for, and indeed, we are already seeing a counteroffensive being mounted by the supporters of bilingual education. Ironically, they are using the very same ammunition that was used against bilingual education—low English Learner redesignation rates and test scores.

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[38] See for example, Porter (1996) and Glenn and deJong (1996).

Methodological Constraints: Differential Testing Rates

There is a consistent bias in virtually all evaluations that compare bilingual education to an alternative program. Teachers can decide when their English Learners are ready to take standardized achievement tests. Teachers in bilingual education program test their English Learners at lower rates than do teachers in all-English programs because they believe that it is unreasonable to administer English language tests to students who are learning literacy in their native tongue. However, this gives the bilingual education programs an unfair advantage over all-English programs because a much larger number of low achieving students will not be included in the evaluation of the bilingual education program than is the case with the all-English program. It is the lowest scoring students who are deemed not ready to be tested.

This problem exists in California with English Learners as a group and bilingual education in particular. According to state regulations, all Limited English Proficient students must be tested on the new statewide Stanford 9 tests which were first administered in 1997-98, the year before Proposition 227. However, as shown in Figure 5.1, only 2/3 of English Learners were tested in 1997-98 in reading[39] and this has only increased to about 84 percent in 2000-01, despite the state law requiring all English Learners be tested. Moreover, there is considerable variation in testing rates between schools and school districts.[40]

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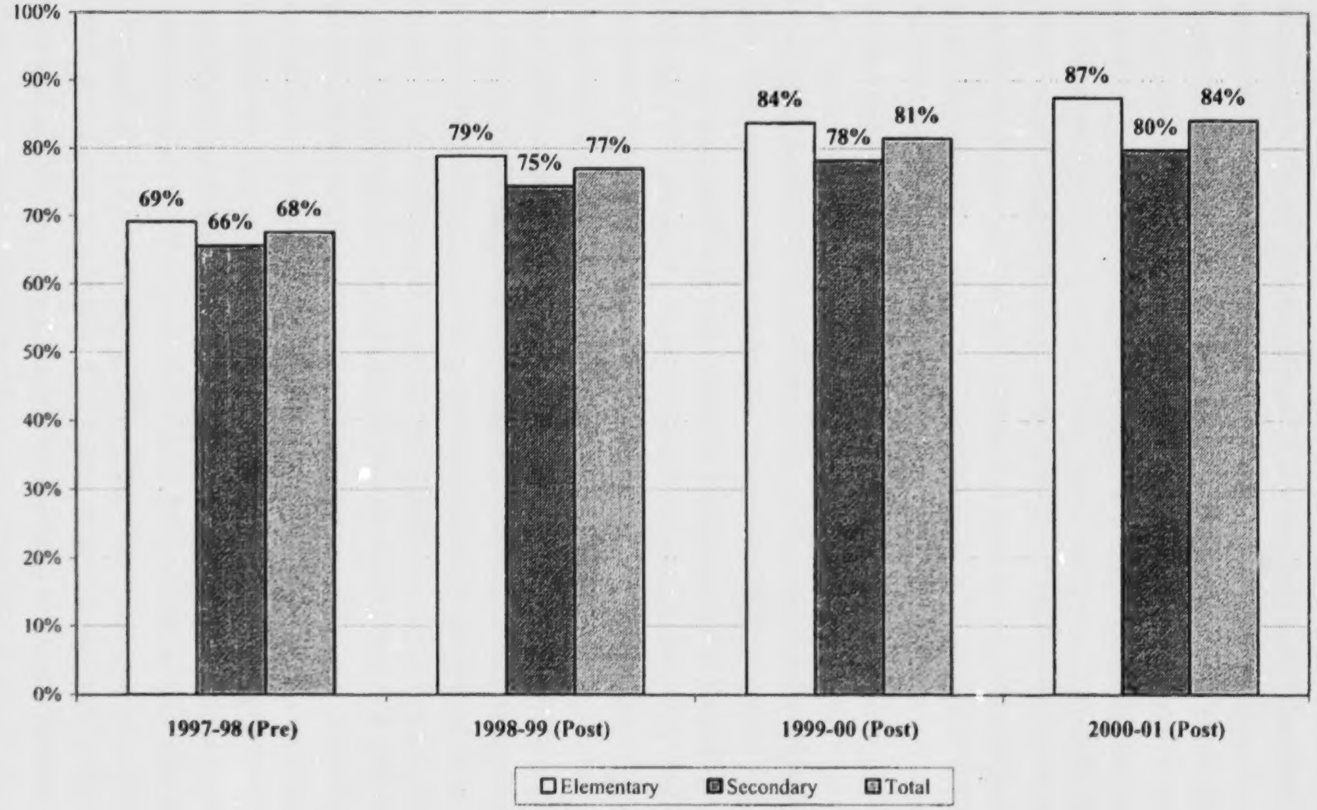
[39] Earlier versions of this report contained total testing rates for 1997-98 through 1999-00, but reading testing rates for 2000-01 only because the data for total tested did not appear to be correct for that year. In this version of the report, the reading testing rate is used for all years in order to more accurately compare trends and also, because I concluded that the reading testing rate was a more accurate reflection of the impact of bilingual education than the total testing rate which appears to be the number who took any test. In addition, I have included the math testing rate in this version of the report.

[40] The testing rates are calculated by dividing the number of English Learners tested in reading in a school in May from the STAR data file and the number of English Learners enrolled in the school as reported in the March language census. The language census enrollment could have been collected any time from September to March. Hence these data may differ from each school district's calculation of the percentage of English Learners tested since they will have up to date information on English Learner enrollment. I constructed two rules for dealing with the incongruities presented by the time differences. If the number of English Learners tested was greater than the number of English Learners enrolled, the number tested was set to the number enrolled. If the number of English Learners was greater than zero, and the number tested was blank, the number tested was set to zero. This latter rule

Figure 5.1
Percentage of English Learners Tested in Reading in California Schools,
1997-98 to 2000-01



Moreover, the math testing rate, shown in Figure 5.2, in a subject which is less language based than reading, is only a few points higher than the reading testing rate. In 1997-98, only 72 percent of English Learners were tested in math and this had only increased to 86 percent in 2000-01.

The loophole in the state law is that parents have the right to remove their child from testing. Of course, given the lack of knowledge that parents typically have of school activities such as this, it is more likely that the school administration asks parents to remove their child from testing rather than the other way around.

Figures 5.1 and 5.2 also show that the testing rate is a bit lower for secondary students than for elementary students. Currently 80 percent of secondary English Learners are tested in reading compared to 87 percent of elementary English Learners. Similarly, 81 percent of secondary English Learners are tested in math compared to 90 percent of elementary English Learners. The percentage tested in both reading and math has, however, increased by about 15 percentage points since the first year of testing, 1997-98.

Figure 5.3 shows the percentage of elementary English Learners tested in reading[41] in the state and in the four districts (San Francisco, Berkeley, Oakland, and Hayward) that sued the state to avoid testing English Learners. Of the four, only San Francisco was significantly below the state testing rate. San Francisco, which did not implement Proposition 227, only tested 42 percent of its elementary English Learners in reading in Spring 1998. As noted above, the school districts settled with the state on this issue and agreed to test their English Learners. By 2000-01, the average testing rate for these school districts had increased from 64 to 84 percent, only a few

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was constructed because none of the schools ever had zero tested. Schools only had a blank or a number greater than zero. This only affected a few schools and English Learners.

[41] For the sake of brevity, I focus here only on the reading testing rate because I think it is the most important and the most likely to be influenced by the extent of bilingual education.

Figure 5.2
Percentage of English Learners Tested in Math in California Schools, 1997-98 to 2000-01

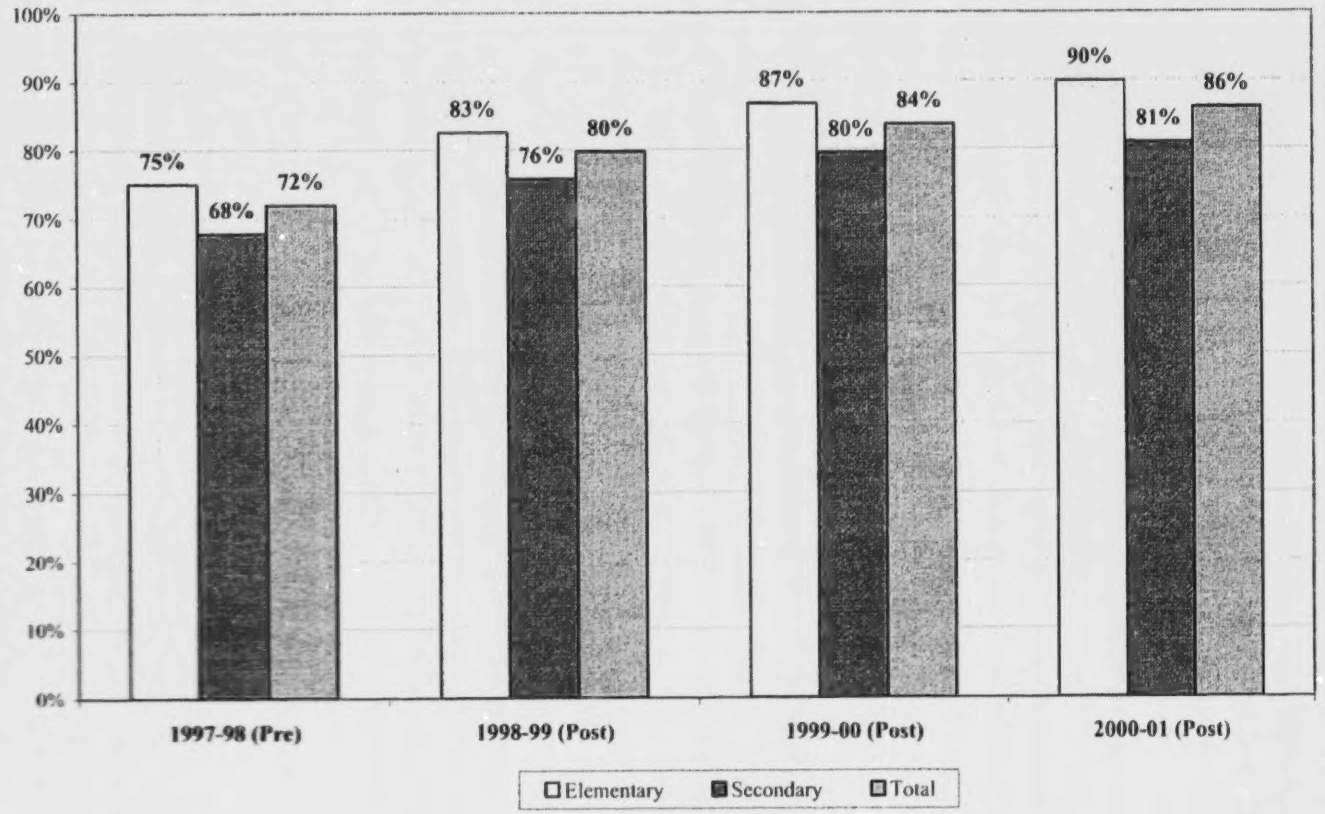

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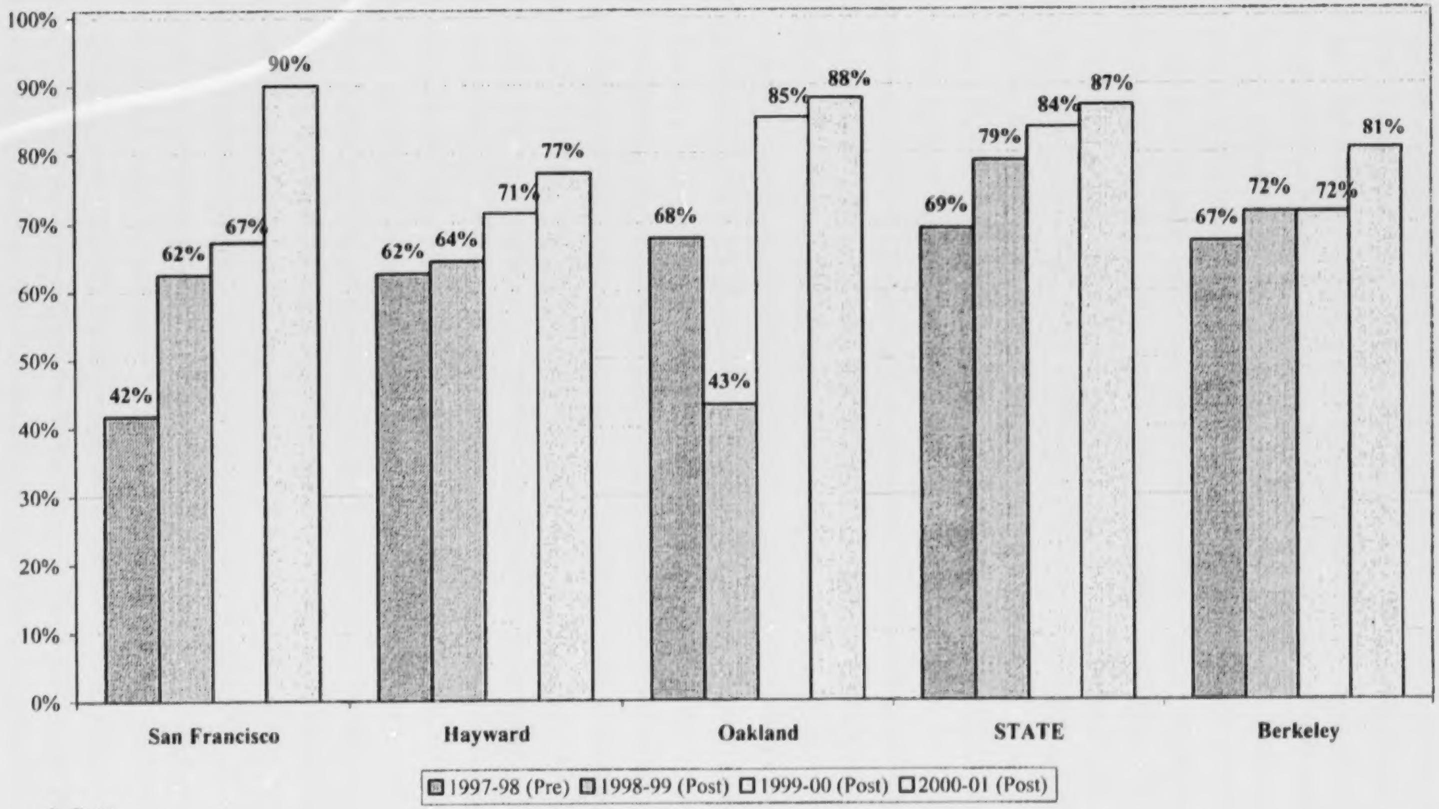
Figure 5.3
Percentage of Elementary School English Learners Tested in Reading in the State and the Four California School Districts that Litigated the Requirement to Test All English Learners, 1997-98 to 2000-01



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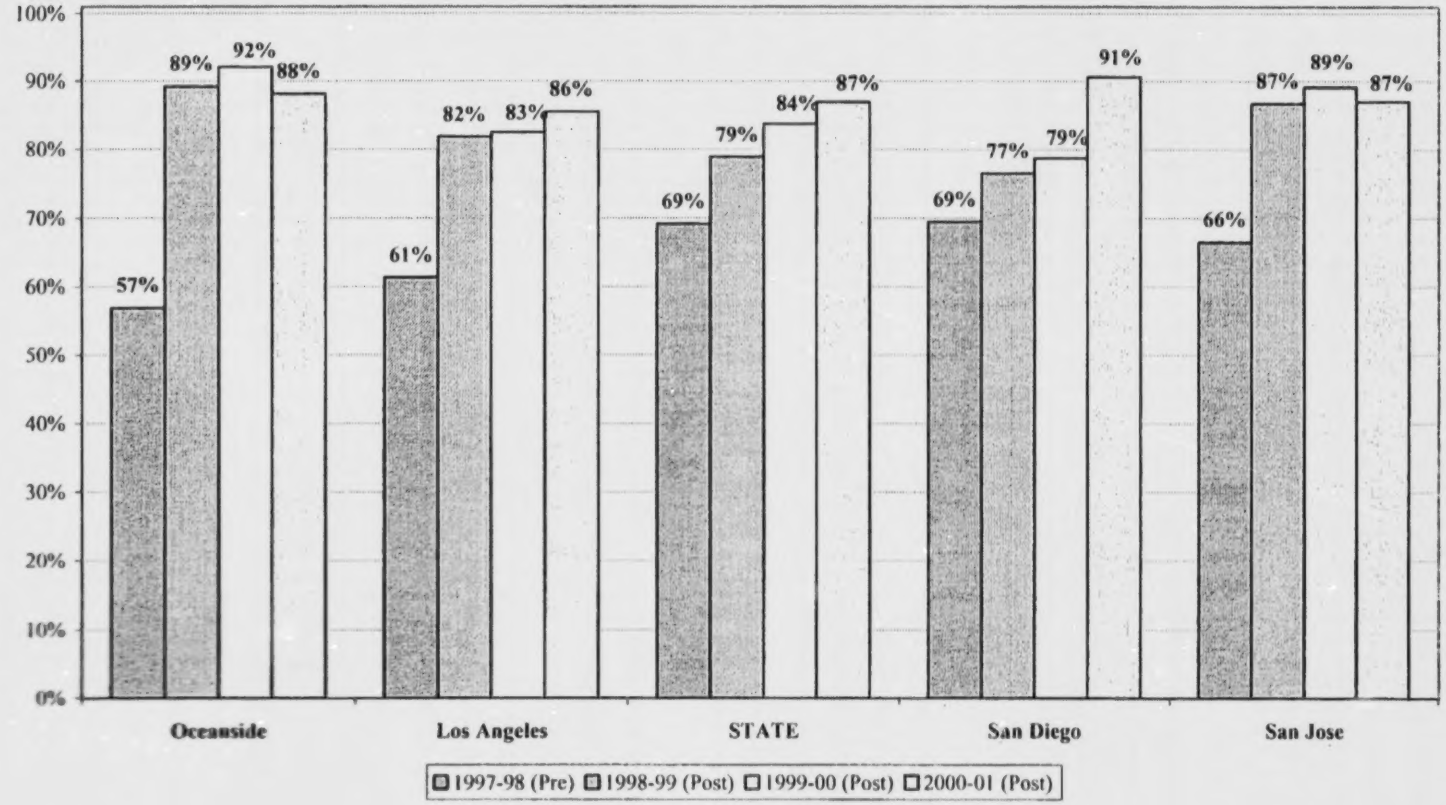
points below the state level. The data for Oakland, however, is a bit erratic and one can only wonder how trustworthy it is.

Figure 5.4 shows the reading testing rate in four other school districts that received notoriety over their achievement. San Jose not only received publicity over their litigation against the state, but a *Wall Street Journal* article (August 23, 2000, p. A22) alleged that their test score decline was due to their failure to implement Proposition 227. Oceanside, by contrast, has been the subject of much media speculation, including the same *Wall Street Journal* article that featured San Jose, that their *increase* in test scores is due to their complete implementation of Proposition 227. Of course, the state alleges just the opposite with regard to achievement in Oceanside. The other two school districts, Los Angeles and San Diego, are in this chart because they are important school districts in California.

This chart shows how risky it is to attribute English Learner achievement to program enrollment using aggregate data. As shown, Oceanside's testing rate increased by 35 points in the two years after Proposition 227 and by 31 points as of 2000-01. This means that any observed achievement gain pre and post implementation *under*estimates the actual gain since many more students are tested now, that is, the testing pool includes lower achieving students who would not have been tested in 1997-98. Secondly, Oceanside has had one of the highest testing rates in the state with about 90 percent of its English Learners tested in two out of the three years since Proposition 227. Oceanside's achievement scores can only be compared to similar school districts with similar high English Learner testing rates (or school districts made similar by a sophisticated research design) if valid conclusions about achievement are to be drawn.

Figure 5.4
Percentage of Elementary School English Learners Tested in Reading in Four Other Large California School Districts and the State,
1997-98 to 2000-01



The data on San Jose suggests that the *Wall Street Journal* article is wrong on two counts. As shown earlier, although it was under no legal obligation to do so, San Jose did at least partially implement Proposition 227. The percentage enrolled in bilingual education declined by almost 20 percentage points in the first year of 227 and continues to decline by a few points each year. This is only slightly less than the average decline of 24 points in the largest districts. Secondly, the percentage tested increased by about 20 percentage points. In other words, students who would not have been tested before Proposition 227 were now being tested. Thus, even if nothing had changed, we would expect achievement to go down. But in fact, something did change--bilingual education enrollment was substantially reduced in San Jose. If San Jose had an achievement gain as a result of this or some other program change, it is quite likely that it would be completely obscured in the aggregate data reported in the Wall Street Journal article by the increase in the percentage of English Learners tested. Indeed, this is true for the state as a whole and for most school districts.

Appendix H shows the testing rates in reading for English Learners in each of the Largest School Districts in California, those at or above 20,000. These are the same districts in Appendix G. These trends are very similar to those for the state as a whole. Two conclusions can be drawn from these data. First, there has been an increase in English Learner testing that may offset any gains in achievement resulting from Proposition 227. If more students are tested, scores will go down, all other things being equal. Second, not all English Learners are tested and this varies considerably by school district.[42]

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[42] The state Board of Education has taken notice of the fact that not all students are being tested, but instead of focusing on the group that is not being tested--English Learners--they have adopted regulations (Article 1.7, sections 1031-1038, subchapter 4, Chapter 2, Division 1, Title 5 of the California Code of Regulations) that require that schools must have 85 percent of their students tested in spring 2000 and 90 percent tested in spring 2001 or they are ineligible for state performance awards. This may have some effect on the English Learner testing rate, but it may not have a large effect since it is possible to obtain a 90 percent testing rate for all students, but still have a much lower testing rate for English Learners if the latter group is not a large portion of the district.

In 1997-98, 29 percent of the districts tested less than half of their English Learners in reading and 27 percent tested less than half in math. Although testing rates have gone up, 14 percent of school districts in California still tested less than half of their English Learners in reading and seven percent tested less than half in math in 2000-01. Under these circumstances, the kind of casual comparisons that are made in the press of achievement pre and post Proposition 227, and between school districts, are risky.

In addition, the bias in the achievement data is still in favor of bilingual education. Appendix I shows an equation predicting the percentage of elementary English Learners tested on the SAT 9 in California schools by the extent of enrollment in bilingual education in that school controlling for school poverty and size. This is done for each of the four years and for math in the latest year. The easiest way to interpret the relative strength of the variables is to look at the Beta, the standardized coefficient. The number enrolled in bilingual education is statistically significant in every year.

Figure 5.5 solves the equations in Appendix I for three categories of the extent of bilingual education enrollment—no bilingual education, bilingual education greater than 120 students, and bilingual education greater than 240 students—and the average poverty and school size. This yields a prediction of the percentage of students tested if a school has those characteristics (the mean or a specific value in the case of the number enrolled in bilingual education) for reading for all years and for math for the latest year.[43]

In 1997-98, the percentage of English Learners tested in reading is 70 percent in a school with no bilingual education enrollment compared to 67 percent in a school with more than 120 students enrolled in bilingual education. This is further reduced to 63 percent when the bilingual

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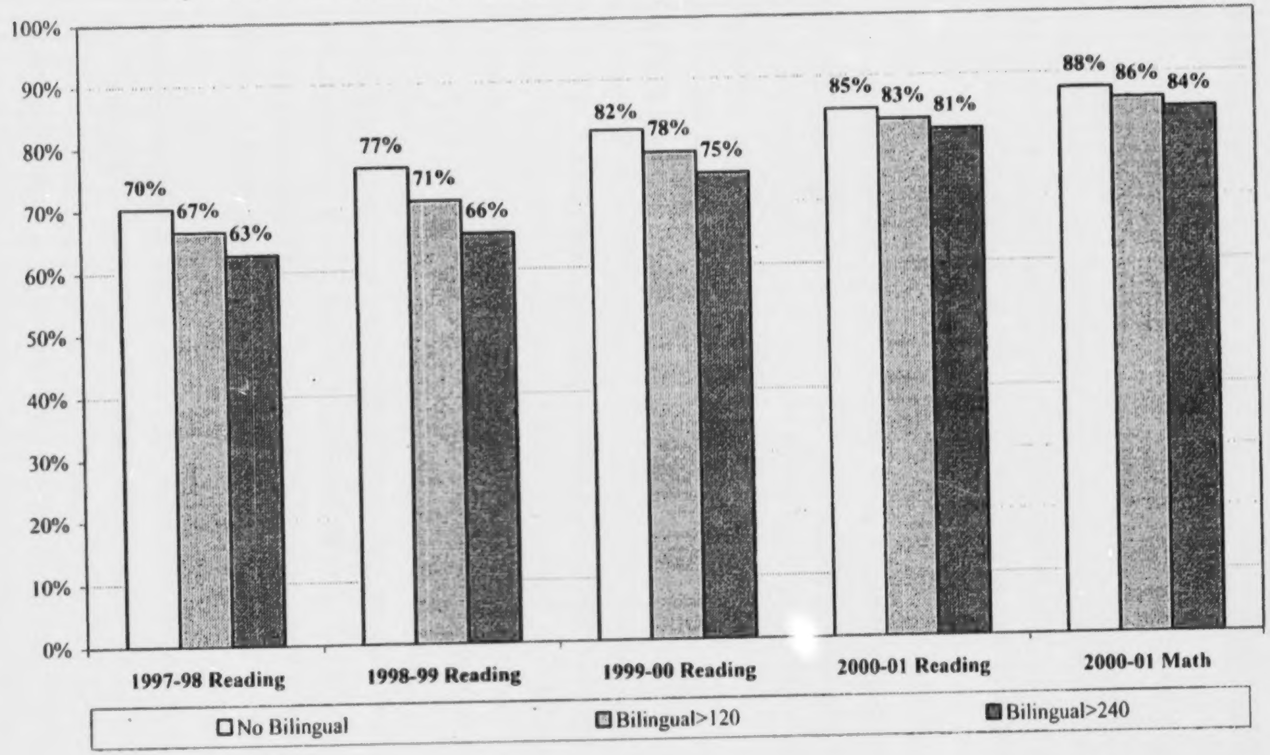
[43] In order solve the equation shown in Appendix I, one must multiply the b coefficient by the mean or a specific value and sum the computed values for each variable and the constant.

Figure 5.5
Percentage of Elementary English Learners Tested in Reading 1997-98 through 2000-01 and in Math 2000-01 in California Schools
by Extent of Enrollment in Bilingual Education Controlling for Poverty, and School Size*



* Equation solved for average poverty, school enrollment, but specific levels of bilingual education as noted.

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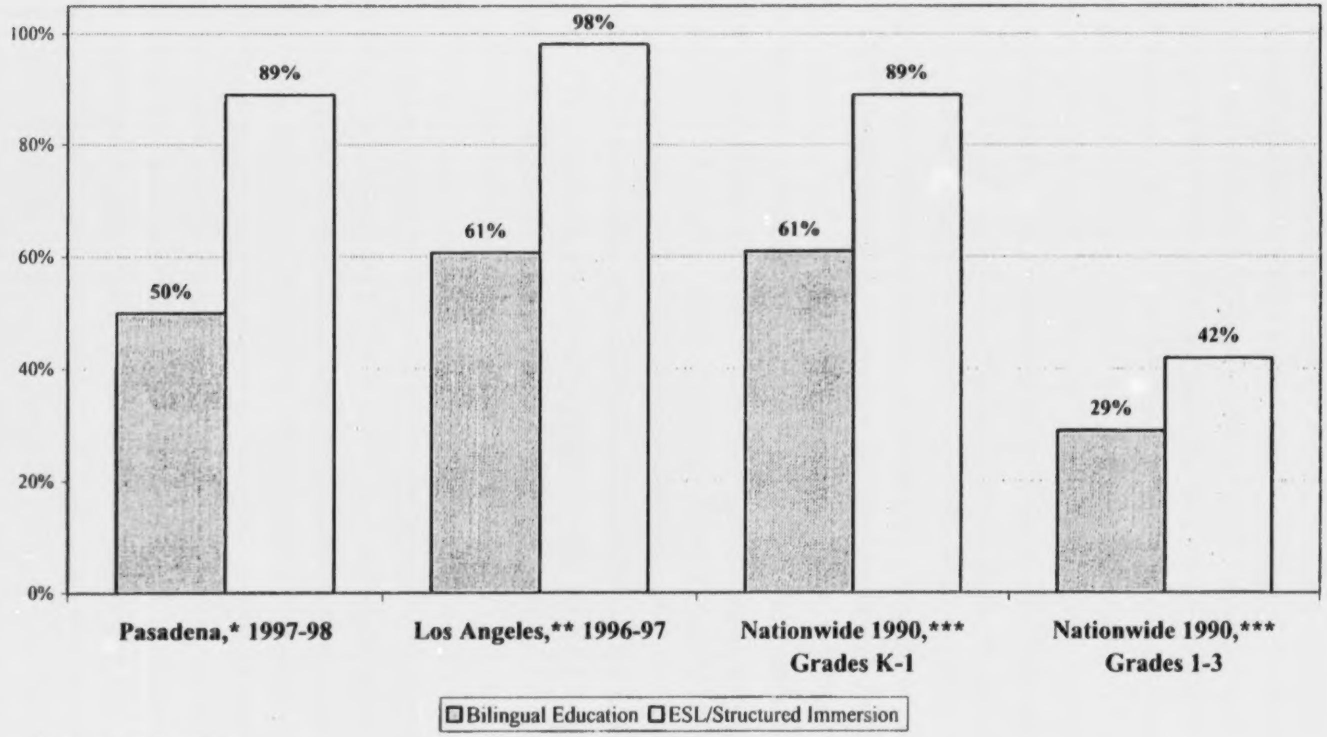
education enrollment is greater than 240. The testing gap between schools with no bilingual education enrollment and 240 students enrolled in bilingual education has declined in 2000-01 to only 4 points for both math and reading. These data suggest that bilingual education enrollment in a school depresses the percentage tested, but not by a great amount, at least in so far as it can be detected at the school level, and given the problems of matching two different sources of school data—the number of English Learners tested in May and the English Learner enrollment anywhere from two to eight months earlier.

Individual student data from California and the U.S. show even more striking disparities in testing rates. Bali (2000) has obtained individual student data and program testing rates pre and post Proposition 227 for Pasadena Unified in southern California. As shown on the left side of Figure 5.6, she found a 50 percent testing rate for the English Learners in bilingual education in Pasadena in 1997-98, but an 89 percent testing rate for the English Learners in ESL in the same district.

The two bars in the middle show the testing rates for the Los Angeles Unified School District in 1996-97. The school district's report showed English Learners who were in bilingual education for five years outscored English Learners in all-English classes on the Stanford 9. However, only 61 percent of the students in the bilingual program were thought to know enough English after five years to be able to take the test, but 97 percent of the students in the English language program took the test (Los Angeles Unified, 1998). This 37 point differential is very close to the 39 point differential Bali found in Pasadena.

Similar disparities can be found in the Ramirez, et al. (1991) nationwide study of more than 1,000 children in 9 school districts, 46 schools, and 136 classrooms across 5 grades which is on the right side of Figure 5.6. Eighty-nine percent of the structured immersion students were

Figure 5.6
Percentage of English Learners Tested by Program Using Individual Student Data from Pasadena Unified School District, Los Angeles Unified School District, and a Nationwide Sample



* Source: Bali, 2000.
** Source: LAUSD, 1998.
*** Source: Ramirez, et al., 1991.

tested in K-1, but only 61 percent of the early exit bilingual education students were tested. In grades 1-3, 42 percent of the structured immersion students were tested, but only 29 percent of the early exit bilingual education students were tested. The Ramirez study found no difference between the two programs, but this underestimates the benefit of immersion and overestimates the benefit of bilingual education since far fewer students were tested in the bilingual program.

The popular press seems unaware of these problems. For example, Norm Gold, the now retired former Manager of the Language Proficiency and Academic Accountability (LPAA) Unit in the California Department of Education, has conducted an analysis of 63 successful "bilingual" schools for an organization called Californians Together (Gold, 2000). He has concluded there were remarkable gains in the API (Academic Performance Index) for the school as a whole and the Hispanic (not Spanish speaking English Learner) population that can be attributed to their successful bilingual education programs. But only a little more than half of English Learners were enrolled in bilingual education in these so-called "bilingual" schools and only a third of all the students were enrolled.

Across all schools, 15 percent of the students enrolled in bilingual education might not have been tested. In some schools, it is possible that *none* of the students enrolled in bilingual education were tested (Rossell, 2001). Therefore Gold's assertion that the gains of all students are due to a bilingual education program in which only a few students are enrolled and even fewer tested is just not valid. But he is not alone in making such assertions. Both supporters and critics of bilingual education are guilty of such sins.

To summarize, comparisons between schools and school districts with different testing rates are comparisons between apples and oranges and thus are unwarranted. With aggregate data, gains from educational reforms can be completely obscured by increases in the testing rates of the target population or changes in the testing instrument. The state database only contributes to the confusion because achievement data has only recently been reliably kept by program and that is in a separate file that is accurate only for the most recent year. Moreover, none of the control variables are kept by program.

The Effect of Proposition 227 on Achievement

Determining the effect of Proposition 227 on the academic achievement of English Learners using the CDE school achievement data is not easy since at the moment, only the school achievement data is broken down by program and that is only reliable for the most recent year, 2000-01 (http://www.eddataonline.com/research/). Therefore, there is currently no trend data or pretest of achievement by program. One cannot use the poverty level of the students in each program as a surrogate for the pretest since that is not available by program. Nor is the ethnicity of the English Learners or the testing rates for each program available.

The regular STAR data files which can be found at http://star.cde.ca.gov and the program and socioeconomic status data which can be found at www.cde.ca.gov/demographics do have information going back to the 1997-98 school year, but none of it is available by program. Therefore, one can only estimate the impact on English Learner achievement of greater or fewer students enrolled in bilingual education controlling for other school characteristics.

There are hundreds of schools in California that had no students in bilingual education or had so few there was no possibility of actually having had a bilingual education program before the implementation of Proposition 227. To reduce the noise in the data in order to determine the impact of Proposition 227 and the effect of maintaining a bilingual education program, I have examined only the elementary schools with more than 120 students in bilingual education in

1998 and looked at their test score gains under two different scenarios: 1) keeping more than 120 students in bilingual education and 2) eliminating bilingual education. Secondary schools are not examined at all since there are currently so few with bilingual education programs and since a bilingual education program at that level is so different from an elementary program, that it would only muddle the results to include them.

Figure 5.7 indicates that elementary schools that eliminated their bilingual education program had a 10 point gain in reading, but those that kept their bilingual education program in some form only had a 6 point gain. This may underestimate the difference between the two groups since even the schools that kept more than 120 students in bilingual education still had a large reduction in bilingual education from an average 290 students enrolled (62 percent of their English Learners) to an average 119 students enrolled (26 percent of their English Learners). In addition, my interviews with bilingual education teachers in California indicates that more English is being used in bilingual education since Proposition 227 than before. In short, even bilingual education has been changed by the initiative.

Figure 5.7 also indicates that the testing rates for the schools that kept a bilingual education program were four points lower in reading and three points lower in math. This is an advantage that will serve to inflate test scores for the bilingual education schools, all other things being equal.

Table 5.1 shows a regression equation predicting the effect of the percentage of English Learners enrolled in bilingual education on an elementary school's 2001 reading and math test scores[44] controlling for their 1998 test score and their percentage poor in 2001 (enrolled in

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[44] This is the school's average NCE converted to a national percentile rank. The state does this conversion.

Figure 5.7
English Learner Test Score Gains from 1998 to 2001 in Reading and Math in California Elementary Schools with More than 120 Students Enrolled in Bilingual Education in 1998

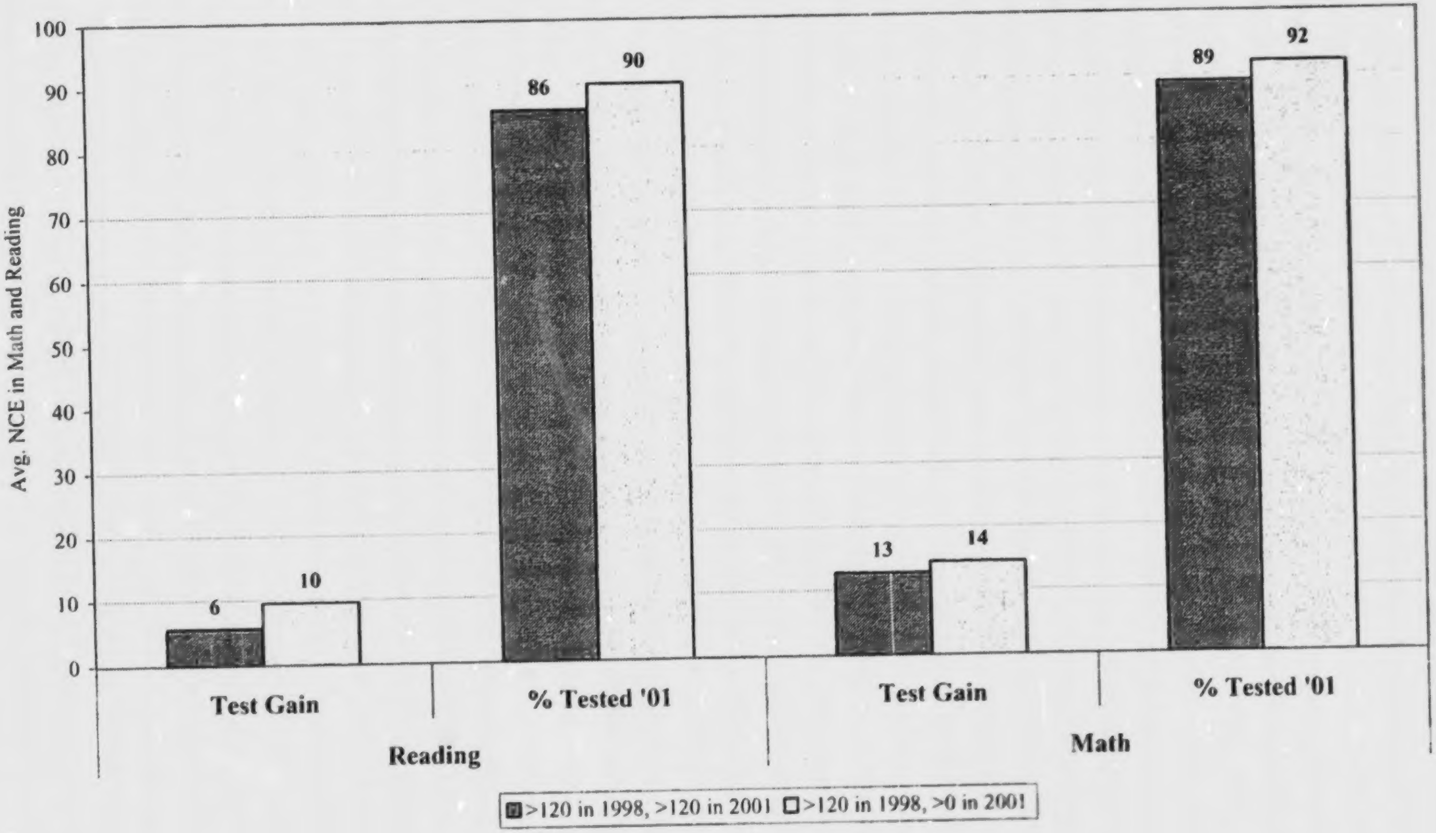

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Table 5.1
The Effect of Bilingual Education on 2001 Achievement in California Elementary Schools

READING					MATH				
	Mean	b	Beta	Sig.		Mean	b	Beta	Sig.
Reading Score 2001	27				Math Score 2001	41			
(Constant)		14.992		0.000 *	Constant		24.275		0.000 *
Reading Score 1998	19	0.737	0.69	0.000 *	Math Score 1998	28	0.720	0.69	0.000 *
% Bilingual Ed. 2001	13	-0.060	-0.13	0.000 *	% Bilingual Ed. 2001	13	-0.028	-0.05	0.000 *
% Poor 2001	17	-0.090	-0.11	0.000 *	% Poor 2001	17	-0.142	-0.14	0.000 *
Adj. R^2		0.599					0.579		
N		2,755					2,811		

* Statistically significant at .05 or better.

Calworks, the state poverty program).[45] It was not necessary to examine only the schools with significant bilingual education programs in 1998, that is, the extreme cases, since the control variables perform the function of reducing the noise in the data. Moreover, including all the elementary schools, not just those with 120 students in bilingual education in 1998, increases the R^2 by about 30 percentage points.

The 1998 test score is basically a control for the characteristics of the school that are not captured in the poverty rate.[46] As noted, the test scores are low (on a scale from 0 to 100), but that is because they are supposed to be low—an English Learner is a student who scores low in English. This also means there is a ceiling on how much progress can be made in English Learner test scores since when their scores get above a certain level (around the 36th to 50th percentile), they will no longer appear in the English Learner category.

The percentage enrolled in bilingual education is significantly and negatively related to a school's test score in both reading and math. Figure 5.8 solves the equations in Table 5.1 and shows what a school's predicted test score would be if 100, 50, and 0 percent of a school's English Learners were enrolled in bilingual education in 2001. As shown, an elementary school's reading score is increased by six points in reading and three points in math if they have no bilingual education enrollment compared to a school that has all its English Learners enrolled in bilingual education.

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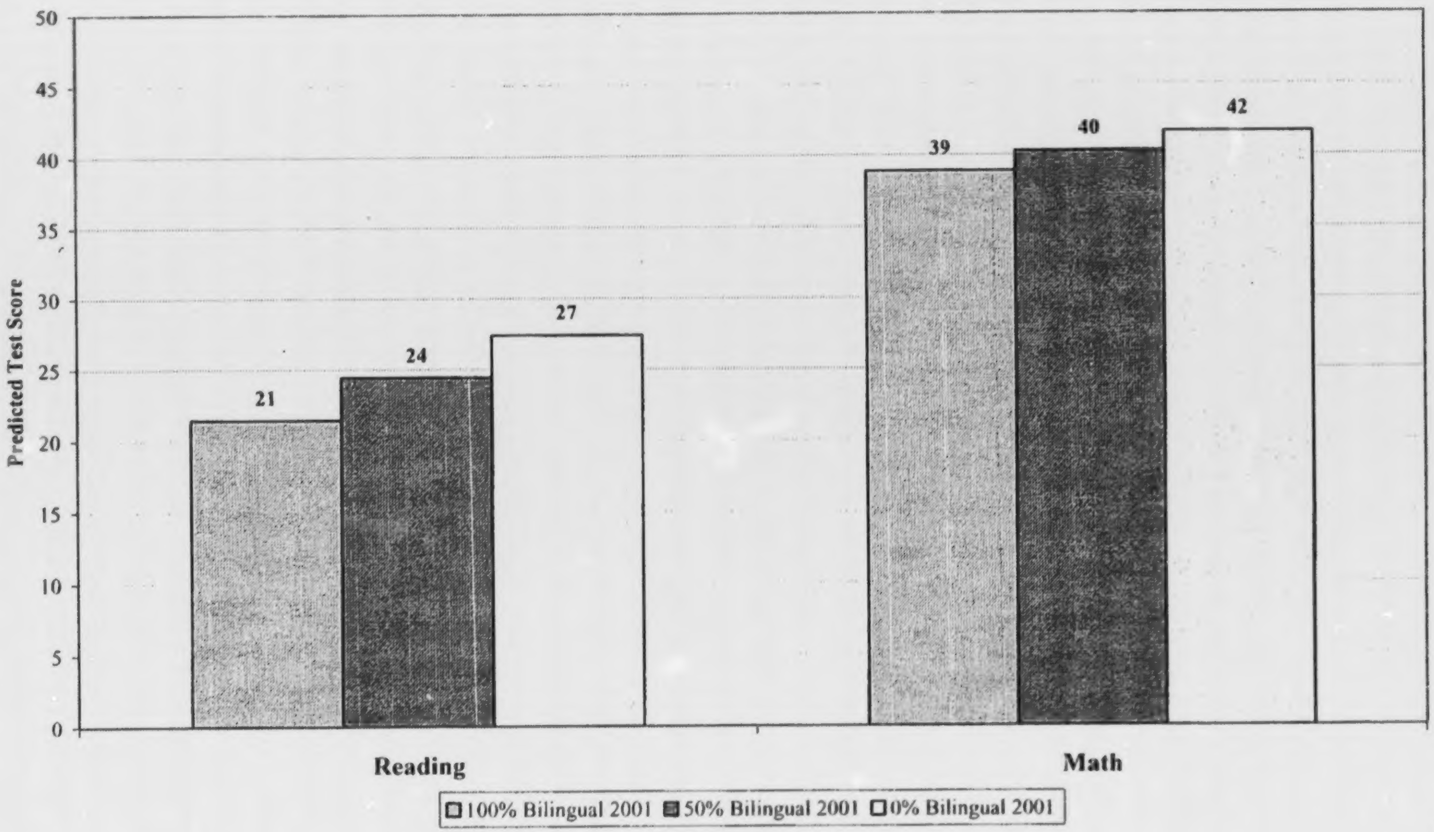
[45] The percentage of English Learners tested in reading or math was not significant at the school level and is not shown. It may be that in a statistical analysis at the school level, the problem of countervailing tendencies—low test rates occur in schools with low achievement—muddles the advantage of not testing the very lowest scoring students. Because the higher scoring schools test more of their students, the sign for the testing rate variable is positive, although insignificant.

[46] The state data also include the achievement of all students in a school, but that is not a good control variable since the English Learners comprise a large percentage of all students in the schools that formerly had bilingual education programs. In addition, most of the fluent English proficient (FEP) students were once English Learners and so controlling for the achievement gains of fluent English proficient students wipes out part of the treatment effect for English Learners.

Figure 5.8
Effect of Bilingual Education on 2001 Achievement in California Elementary Schools
Controlling for 1998 School Achievement and % Poor in 2001*



* Equation solved for average % poor and average 1998 school achievement, but specfic levels of bilingual education as noted

This analysis may not show the true effect of bilingual education, or its inverse, English language instruction, on school achievement since it appears that bilingual education in California has been changed by Proposition 227---more English is being used—and because all but a handful of schools reduced their bilingual education enrollment even if they did not eliminate it entirely. Trying to isolate the true effect of a program that is no longer the same or the true effect of sheltered English immersion when it also had an effect on other programs is a difficult task even at the individual level and it is even more difficult at the school level.

Moreover, there is a ceiling effect that is present in the state data since it is not possible to examine the achievement of redesignated English Learners. Because an English Learner whose test scores improve beyond the 36th percentile (the exact point varies from district to district), drops out of the English Learner category, the scores for that group cannot improve very much. One must be able to follow English Learners after they are redesignated fluent English proficient in order to determine the true effect of a program for them and unfortunately, at this point in time that appears not be possible with school level data.

Individual student data still suffers from the testing rate bias favoring bilingual education, but at least it is possible to determine the program the student is enrolled in. Bali (2000) has analyzed the achievement of individual English Learners in the Pasadena Unified School District using data provided by them. In 1998, 53 percent of Pasadena's English Learners were enrolled in bilingual education. After Proposition 227, less than two percent of English Learners were enrolled in bilingual education. Bali used the Heckman selection model[47] to control for the selection bias introduced by the lower testing rate for the bilingual education program in 1997-98.

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[47] See Heckman, 1979.

The effect of being in a bilingual education program in 1998 is negative and statistically significant, but the magnitude was only 2.4 points in reading and a half point in math. The effect of putting these same English Learners in a structured immersion classroom the next year was to eliminate the small gap between English Learners who had been in bilingual education and those not in bilingual education.

Bali also looked at the *gains* made by the two groups of students using the same technique. The English Learners who had formerly been in bilingual education who were now in structured immersion made gains of 4.15 points in reading compared to gains of only 1.8 for the students who had been in English previously. There was no difference in the gains of the two groups in math. In short, both analyses suggest that putting English Learners who had been in bilingual education into structured immersion increased their reading scores by about two points and their math scores by about a half point or less.

These positive effects for structured immersion may be statistically significant, but they are small. It may be that the Heckman selection model does not completely overcome the bias introduced by the huge differential in test taking between the two programs. It may also be that the true effect of all-English instruction is small.

These findings are not that different from what I obtained in a school achievement analysis. *School* achievement in reading increases by six points if all children are enrolled in bilingual education compared to a school where none are. School achievement only increases by three points in math if all children are enrolled in bilingual education compared to a school where none are.

Research Findings Nationwide

There is also national evidence on the impact of bilingual education on achievement. Keith Baker and I reviewed hundreds of research studies of bilingual education in order to determine which programs were most effective. Our review was first published in Rossell and Baker (1996a, 1996b, and 1996c) and preceded earlier reviews we had conducted (Baker and de Kanter, 1981, 1983a, 1983b; Rossell and Ross, 1983).

We found 300 program evaluations, that is, studies whose purpose was to empirically evaluate the effectiveness of TBE or some other second language acquisition technique. Methodologically acceptable studies generally were either true experiments in which students were randomly assigned to treatment and control groups or they were quasi-experiments that either matched students in the treatment and comparison groups on factors that influence achievement or statistically controlled for them.

Of course, as occurs in any analysis of this kind, we can never be certain of what the treatment is. The likelihood that these evaluations are of true bilingual education programs, that is, programs that include native tongue instruction according to the theory, is enhanced, but not guaranteed, by the fact that all but two are of Spanish bilingual programs.

The following synthesis of the scientific research on the effectiveness of bilingual is of individual student achievement, not school achievement. These results are nevertheless biased by the test rate advantage of bilingual education programs. They thus underestimate the effectiveness of alternatives to bilingual education because we now know that the alternatives have higher testing rates than bilingual education. Unfortunately, there is nothing that can be done about this at this point. It is, however, something that future research studies should be aware of and should control for to the extent that this is possible.[48]

Appendix J shows the effect of transitional or early-exit bilingual education--compared to 1) doing nothing, also called submersion, 2) ESL, 3) structured immersion, and 4) maintenance bilingual education--on second language (usually English) reading, language, and mathematics as demonstrated by 72 methodologically acceptable studies.[49] Appendix J also shows the effect of structured immersion compared to ESL pullout. Studies not in the table are excluded because they did not meet the methodological criteria,[50] or they did not assess alternative second language learning programs.

Bilingual Education v. Doing Nothing

Appendix J indicates that for second language *reading* (or oral English for kindergarten or preschool), 22 percent of the studies show transitional bilingual education to be superior, 33 percent show it to be inferior, and 45 percent show it to be no different from the supposedly discredited "doing nothing."

In a standardized achievement test of *language*, a test of grammatical rules, bilingual education does even worse than it does in reading. Seven percent of the studies show transitional bilingual education to be superior, 64 percent show it to be inferior, and 29 percent show it to be no different from submersion--doing nothing.

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[48] There are statistical procedures, such as two-stage least squares and the Heckman selection model, that attempt to control for selection bias. It is not clear that they are entirely successful since finding the right instrumental variables is difficult and sometimes impossible. It may be possible to physically control for the selection bias problem. That is, if the bilingual education program has a testing rate of 50 percent in a grade, the top 50 percent of the alternative program in that grade would be the comparison group. This approach, however, might give an unfair advantage to the alternative program, since there is undoubtedly some error in the process of selecting which students in the bilingual program will be tested. Teachers are making an educated guess when they decide that a bilingual education student is not ready to take the test. They do not test and then throw out the lowest scores.

[49] More detail, such as the names of the studies and complete citation information can be found in Rossell and Baker, 1996a.

[50] The criteria for selecting studies and other methodological issues are discussed in Rossell and Baker, 1996a. A complete list of the methodologically unacceptable studies are in Appendix B of Rossell and Baker, 1996a.

In *math*, nine percent of the studies show bilingual education to be superior, 35 percent show it to be inferior, and 56 percent show it to be no different from bilingual education. If we look only at ESL pullout programs or the combined category of Submersion and ESL, we see very much the same findings. Bilingual education is the same or worse than doing nothing. In short, the available scientific research demonstrates that it is not the superior technique that its advocates have claimed it to be.

Bilingual Education v. Structured Immersion.

Appendix J also compares bilingual education to structured immersion, the program required by Proposition 227. Twelve studies had reading outcomes, one study had language outcomes, and eight studies had math outcomes. No study showed bilingual education to be superior to structured immersion in reading, language, or math. In reading, 83 percent of the studies showed bilingual education to be worse than structured immersion and 17 percent showed no difference. In language, the one study showed no difference. In math, five studies showed no difference and three studies showed bilingual education to be worse than immersion. Thus, the evidence suggests that structured immersion is superior to bilingual education, but not by a lot. On the other hand, these findings underestimate the differences between the programs because of the lower testing rate of the bilingual education programs.

Structured Immersion v. ESL

There were also three studies that compared structured immersion to a mainstream classroom with ESL pullout specifically. These studies all showed structured immersion to be superior to a mainstream classroom with ESL pullout in reading.

Transitional Bilingual Education v. Maintenance Bilingual Education

The final category in Appendix J compares transitional bilingual education to maintenance bilingual education.[51] This study (Medina and Escamilla, 1992) showed transitional bilingual education produced significantly higher English oral proficiency than maintenance bilingual education, although the authors do not acknowledge this in their conclusions.[52]

Meta-Analysis

The technique we used in our review is called the "voting method." It is also possible to do a meta-analysis of at least some of the same studies. Each approach has its advantages and disadvantages. A meta-analysis is a statistical analysis of the effects of bilingual education across all studies. If we had conducted a meta-analysis, we would have had to drop a large number of the studies because there is insufficient programmatic data available to estimate an effect size (see also Okada, 1983). We opted not to take this approach.

Jay Greene, however, has taken this approach (Greene, 1996; 1997). His meta-analysis of the 72 scientific studies in this report and in Rossell and Baker, 1996a, 1996b, was submitted as part of his declaration on behalf of plaintiffs alleging the unconstitutionality of Proposition 227 (*Valeria G., et al v. Wilson, et al.* (C98-2252Cal, 1998). For a variety of reasons, Greene's meta-analysis only included 11 of our 72 studies. The bilingual education programs included the best of bilingual education, but excluded the best of all-English instruction (structured immersion). Among the true random assignment studies, there was no reduction in English in all but one of the bilingual education programs. If the effect size of each study is weighted by its sample size (which he did not do), there is no difference between the best of bilingual education and the worst of all-English instruction—that is, doing nothing.[53]

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[51] Ramirez et al., 1991 also examined maintenance bilingual education (late-exit bilingual education), but unfortunately did not directly compare it to transitional bilingual education (contrary to media reports and some of their conclusions). Although their graphs appeared to show that the students in late-exit bilingual education were doing worse than the students in transitional bilingual education, no statistical analysis was performed to verify that.

This strikes me as a believable finding that has important implications for the success of Proposition 227 in California and the political rhetoric on this issue. Like Greene, I think the research evidence suggests that a mainstream English language classroom with no extra help is not necessarily a superior situation for English Learners. It is often no better, and it is sometimes worse, than a good Spanish bilingual education program—that is, one that offers a sheltered environment for English Learners, uses Spanish as a means not an end, and does not reduce English language time on task during the normal school day.

This helps explain why so many intelligent, dedicated professionals within the California State Department of Education and in classrooms throughout California support bilingual education. In their experience, bilingual education at its best is an effective program—that is, Spanish speaking English Learners learn English in a timely fashion in a supportive environment. They understand many of these students would have low test scores regardless of the program they are in and that all programs have costs and benefits. In particular, they perceive a great risk to placing an English Learner in a mainstream classroom without any special help, although the risk is, on average, much less than they think it is. It is also true that the harm of bilingual education, as it is typically practiced, is much less than its critics allege. Often there is no harm and sometimes there is a real benefit.

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[52] See also Rossell and Baker, 1996c.
[53] See Gersten, 1998.

In short, the research evidence only supports the conclusion that bilingual education is, on average, the least effective approach to educating English Learners. It does not support the conclusion that it is always the least effective approach nor that it is a disaster. Indeed, I would maintain that if it were truly a disaster—for example, if English Learners came out of it speaking no English--it would not have so many supporters.

These data, along with the individual student data from Pasadena, suggest once again that bilingual education may have been the least effective program for English Learners, but there is no evidence that it was a disaster. Although Proposition 227 may have had a small, positive effect on achievement, it is not likely it will be a panacea. As is the case with all children, the achievement of English Learners is influenced primarily by their personal and family characteristics. The effect of the program they are enrolled in is, by comparison, small.

Recommendations of Rossell and Baker (1996b)

Synthesizing the research findings and applying simple logic led Keith Baker and me to the following conclusions in our 1996 book (Rossell and Baker, 1996b). These same program characteristics appear in the text of Proposition 227.

1) **The default approach should be that English Learners learn to read and write in English, not their native tongue.**

The research indicates that, on average, learning to read and write in English is superior to learning to read and write in the native tongue, even if the native tongue is a Roman alphabet language. But we also concluded that there might be some children who would be better off learning to read in Spanish. Proposition 227 requires that English Learners be assigned to an English language classroom, but allows parents (and principals and teachers if the state board of education approves the February 2002 regulations) to request bilingual education for their child after one month in an English language classroom.

2) English Learners should be instructed in sheltered/structured immersion classrooms.

Our review of the research shows structured immersion, not a mainstream classroom, is the best environment for an English Learner child. Proposition 227 does not require that English Learners be immediately mainstreamed, but instead requires placement in a sheltered English classroom.

3) English Learners should probably be in a self-contained classroom for no more than a year.

This recommendation was based on the fact that one of the problems with self-contained classrooms, evidenced in Ramirez, et al., (1991), is that students do not leave them. This is true whether the program is structured immersion or bilingual education. According to Ramirez et al. (1991:373), only 57 percent of the students in the structured immersion programs were mainstreamed after four years--only slightly higher than the 42 percent of early-exit bilingual education students who were mainstreamed. The failure to mainstream means students who are fairly proficient in English are slowed down by the newcomers that come every day of the year, including the last, to American schools.

The recommendation for a one year time limit in a Sheltered English classroom appears in Proposition 227. Unfortunately, there is probably no element of Proposition 227 that is more controversial. As a result the state has basically overturned this element in its regulations. There does not seem to be much awareness of the fact that there are one year newcomer schools all over California and the U.S. Although three years is a more common time limit imposed by states and school districts for how long English Learners can stay in bilingual education, there is no research justification for this or any other time limit.

The one year limit is derived from my interpretation of the research and my conversations with English Learners. The research indicates that children stay in sheltered programs long after there is any benefit from them and that tests cannot be relied on to tell us when that is. My conversations with English Learners indicate that they understand enough English sometime during the first year to be able to benefit from a regular classroom, although it may be years or even decades before they reach full proficiency in English.

Almost everyone confuses these two issues, however. Thus, the answer to the question of how long it takes a child to reach full proficiency in a second language is anywhere from three years to two decades, depending on the age a child comes to the U.S. and their intelligence. But, the answer to the question of when a child is better off in a mainstream classroom than in a sheltered classroom is anywhere from a few months to a year, depending on the age a child comes to the U.S. and their intelligence. (See also Rossell, 2000c.)

Thus, Proposition 227 recommends that children who are English learners shall be educated through sheltered English immersion during a temporary transition period *not normally intended to exceed one year.* Since the bias is to keep children in sheltered programs longer, not shorter, than the law requires, the average English Learner is spending at least two years, if not longer, in a sheltered English immersion program.

4) Use a home language survey and staff judgment to classify and assign students to programs.

Our book recommends staff judgment as an alternative to tests to classify and assign students to programs. Similarly, Proposition 227 defined an English Learner in a general sense as a student "who is not currently able to perform ordinary classroom work in English…".

Since the passage of Proposition 227, I have come to the conclusion that the LEP, English Learner, or English Language Learner classification should be eliminated altogether and replaced with "language minority." It is a lot easier to assess whether a child is language minority (i.e. comes from a home where a language other than English is spoken) than it is to assess whether a child is limited English proficient because the former can be determined by a few simple questions on a home language survey. State and federal funds would flow to school districts based on the number of language minority children who are also poor. Children who cannot speak English as determined by a home language survey (see Rossell, 2000a) would be assigned to structured immersion unless parents objected and they would go to a mainstream class within a year where they would receive any extra help they need for as long as they need it.

The fact that our policy recommendations appear in Proposition 227 means that the initiative is research based and well positioned to survive a legal challenge. According to federal district law established in *Castañeda v. Pickard* (648 F. 2d 989, 1981) a constitutional program for English Learners must meet a three pronged test: 1) it should be "informed by an educational theory recognized as sound by some experts in the field or, at least, deemed a legitimate experimental strategy;" 2) …the programs and practices "actually used by a school system…[should be] reasonably calculated to implement effectively the educational theory adopted by the school," and 3) the programs and practices should produce results--that is overcome English language barriers to educational success.[54] Proposition 227 is informed by an educational theory recognized as sound by *some* experts in the field and, as a result, has survived all legal challenges.

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[54] *Castañeda* at 1009-1010.

6. SUMMARY AND RECOMMENDATIONS

Proposition 227 was implemented in California in 1998-99. The number of English Learners enrolled in bilingual education declined by 240,439 students from 409,879 to 169,440 in the first year. It has remained close to that level at 169, 929 in 1999-00, and 167, 163 in 2000-01. The percentage enrolled declined 17 points from 29 to 12 percent and has remained at 11 percent in 1999-00 and 2000-01. Similar declines were seen in the largest school districts in California, although they had an increase in more than 8,000 students at all grade levels and 10,000 students at the elementary level in bilingual education in 1999-00. The slight decline in 2000-01 only somewhat offset the increase in bilingual education in 1999-00.

Bilingual education is almost entirely a program for Spanish speaking English Learners in California and elsewhere in the U.S. Spanish speakers are 83 percent of the English Learners in California and, in my experience, the only students learning to read and write in their native tongue. Nevertheless, although 11 percent of English Learners (overwhelmingly Spanish speaking) are still enrolled in bilingual education, my interviews and observations suggest there is more English being used in these programs than before Proposition 227.

One of the most controversial aspects of Proposition 227 has been the one year limit on being in a self-contained program. The state board and school districts have interpreted the one-year limit as a minimum, not a maximum. Because the state and the school districts are using even higher unrealistic redesignation standards, it is possible that many students will never get out of structured immersion.

Proposition 227 is based on research that suggests that structured English immersion is the best way to teach English Learners. But many school district administrators do not understand what structured English immersion is. They believe that if the language of instruction is English, the program is in compliance. As a result, according to the state census, there are numerous English Learners in mainstream classrooms rather than the sheltered classrooms required by Proposition 227. Evaluating the educational effect of Proposition 227 under these conditions will be very difficult.

The research suggests that Proposition 227 is likely to have a positive effect on the academic achievement of English Learners, but it is not going to turn them into high scoring students. First, bilingual education may be the least effective way of teaching English Learners, but there is no evidence that it was a disaster nor the primary cause of the low achievement of English Learners. Second, some schools and school districts are subverting the intent of Proposition 227 by assigning Spanish speaking English Learners to bilingual education classrooms taught almost entirely in Spanish in the first 30 days of school. The San Diego sheltered English immersion teaches Spanish literacy and seems closer to bilingual education than to sheltered English immersion. Third, the redesignation standards are still as illogical as they were before Proposition 227. The new statewide ELD test will further muddy the waters, at least for several years, since for some school districts it will be easier than their old test and for others, it will be harder. Redesignation rates will not be comparable pre and post ELD.

Recommendations for Amending Proposition 227

The 30 percent Spanish sheltered English immersion programs I observed in Los Angeles are fine programs supported by research evidence because Spanish is used to explain and assist, not as an end in and of itself. The 30 percent Spanish sheltered English immersion programs in San Diego, however, seem to be contrary to the spirit of Proposition 227 because they teach Spanish literacy. Thus, Spanish becomes an end not a means.

Accordingly, my first recommendation is

1) sheltered English immersion programs that use 30 percent Spanish instruction should be tolerated, so long as they do not teach Spanish literacy.[55]

Unfortunately, Proposition 227 has been superimposed on top of the old illogical classification and reclassification system. The ELD is simply a version of the LAS that will be required of all school districts. The criterion for "fluent English speaking" established for these tests, including the LAS and the ELD, cannot be achieved even by all native English speakers.

This is a problem because not achieving the FEP redesignation test score could be used to justify keeping a child in a self-contained classroom of second language learners for their entire elementary school career. But, a classroom for non-English speaking students cannot possibly be a challenging educational environment for a child who is fluent in English. Since we do not know how to determine whether a child is fluent in English and since almost all standards used by school districts in California would classify large percentages of native English speakers as limited English proficient simply because they are among the 50 percent of students who are below average, English Learners must be compelled to exit these programs unless a strong case can be made for keeping them in.

Another omission in Proposition 227 is that the one year time limit on program enrollment apparently does not apply to bilingual education programs. If a parent signs a waiver, their child could be in a bilingual program for their entire elementary school career and still be in compliance with Proposition 227. This strikes me as a problem. Although a one year time limit seems draconian for a program that teaches in the native tongue in the first year, perhaps bilingual education programs could be restricted to two years except under unusual circumstances. This would make California not very different from several other states—New

York and Massachusetts for example—which have imposed three year time limits on how long students can stay in bilingual education.

Accordingly, my additional recommendations for amending Proposition 227 are:

> 2) School districts should be prohibited from using tests as the sole means of classifying and reclassifying students as limited English proficient. There is no test created that is capable of correctly classifying students and the bias is for all English proficiency tests to over classify students as being limited-English-proficient.
>
> 3) Proposition 227 should be amended to include a provision that students cannot be kept in a self-contained *sheltered English immersion* program longer than a year regardless of their test scores unless a) the parent visits the school and personally signs a waiver each year, and b) the school district documents the special circumstances that require that this child be kept in a self-contained program;
>
> 4) Proposition 227 should be amended to include a provision that students in *bilingual education classes* cannot be kept in a self-contained classroom for longer than two years regardless of their test scores unless a) the parent visits the school and personally signs a waiver each year, and b) the school district documents the special circumstances that require that this child be kept in a self-contained program.

Right now there is a danger that large numbers of children will remain in a special program they no longer need for their entire elementary school career. It is the nature of education for English Learners that a sheltered environment is often a help, but risks becoming a hindrance, if it is given to children who no longer need it. If these recommendations cannot be accomplished through the regulatory process then perhaps they should be accomplished through another statewide initiative. If they are not adopted, any beneficial effect of Proposition 227 may be dissipated.

I also have a recommendation to improve the state law on testing. School districts should be required to test 90 percent of their English Learners in order to receive state awards. In other words, the new state regulations should be specifically applied to English Learners. If that

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[55] Spanish literacy is obviously a desirable goal in and of itself but it should be independent of bilingual education which is a program whose goal is English language literacy.

doesn't ensure compliance, then perhaps regular state aid should be withheld. We can never adequately evaluate programs for English Learners if large numbers of English Learners are not tested as occurs in some school districts.

As it stands now, a major impact of Proposition 227 that can be determined with some certainty is that it came close to eliminating bilingual education in California after 26 years of support by the California Department of Education. Fifty-six percent of the schools, and about 47 percent of the school districts, in California completely eliminated their bilingual education programs and almost all of them had a reduction in bilingual education.

We also know that maintaining a bilingual education program after Proposition 227 has a negative effect on reading and math achievement at both the school and individual level. The size of the negative effect will remain small, however, so long as bilingual education programs are allowed to test fewer of their students than all-English programs and there is no way to follow the achievement gains of students after they are redesignated fluent-English-proficient. An English Learner is, by definition, a low achiever in English and so their test scores can only improve a small amount before they are transferred out of that category.

APPENDIX A
TEXT OF PROPOSITION 227

English Language Education for Children in Public Schools

by Ron K. Unz and Gloria Matta Tuchman

Text:

SECTION 1. Chapter 3 (commencing with Section 300) is added to Part 1 of the Educational Code, to read:

CHAPTER 3. ENGLISH LANGUAGE EDUCATION FOR IMMIGRANT CHILDREN

ARTICLE 1. Findings and Declarations

300. The People of California find and declare as follows:

(a) WHEREAS the English language is the national public language of the United States of America and of the state of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and

(b) WHEREAS immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and

(c) WHEREAS the government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and

(d) WHEREAS the public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; and

(e) WHEREAS young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age.

(f) THEREFORE it is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible.

ARTICLE 2. English Language Education

305. Subject to the exceptions provided in Article 3 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. Local schools shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification under Article 8

(commencing with Section 335) below.

306. The definitions of the terms used in this article and in Article 3 (commencing with Section 310) are as follows:

(a) "English learner" means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a Limited English Proficiency or LEP child.

(b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language.

(c) "English language mainstream classroom" means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English.

(d) "Sheltered English immersion" or "structured English immersion" means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language.

(e) "Bilingual education/native language instruction" means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the child's native language.

ARTICLE 3. Parental Exceptions

310. The requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. Under such parental waiver conditions, children may be transferred to classes where they are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which 20 students or more of a given grade level receive a waiver shall be required to offer such a class; otherwise, they must allow the students to transfer to a public school in which such a class is offered.

311. The circumstances in which a parental exception waiver may be granted under Section 310 are as follows:

(a) Children who already know English: the child already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores at or above the state average for his grade level or at or above the 5th grade average, whichever is lower; or

(b) Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's rapid acquisition of basic English language skills; or

(c) Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided and any such decision is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local Board of Education and ultimately the State Board of Education. The existence of such special needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.

ARTICLE 4. Community-Based English Tutoring

315. In furtherance of its constitutional and legal requirement to offer special language assistance to children coming from backgrounds of limited English proficiency, the state shall encourage family members and others to provide personal English language tutoring to such children, and support these efforts by raising the general level of English language knowledge in the community. Commencing with the fiscal year in which this initiative is enacted and for each of the nine fiscal years following thereafter, a sum of fifty million dollars ($50,000,000) per year is hereby appropriated from the General Fund for the purpose of providing additional funding for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency.

316. Programs funded pursuant to this section shall be provided through schools or community organizations. Funding for these programs shall be administered by the Office of the Superintendent of Public Instruction, and shall be disbursed at the discretion of the local school boards, under reasonable guidelines established by, and subject to the review of, the State Board of Education.

ARTICLE 5. Legal Standing and Parental Enforcement

320. As detailed in Article 2 (commencing with Section 305) and Article 3 (commencing with Section 310), all California school children have the right to be provided with an English language public education. If a California school child has been denied the option of an English language instructional curriculum in public school, the child's parent or legal guardian shall have legal standing to sue for enforcement of the provisions of this statute, and if successful shall be awarded normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Any school board member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the terms of this statute by providing such an English language educational option at an available public school to a California school child may be held personally liable for fees and actual damages by the child's parents or legal guardian.

ARTICLE 6. Severability

325. If any part or parts of this statute are found to be in conflict with federal law or the United States or the California State Constitution, the statute shall be implemented to the maximum extent that federal law, and the United States and the California State Constitution permit. Any provision held invalid shall be severed from the remaining portions of this statute.

ARTICLE 7. Operative Date

330. This initiative shall become operative for all school terms which begin more than sixty days following the date at which it

becomes effective.

ARTICLE 8. Amendment.

335. The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute to further the act's purpose passed by a two-thirds vote of each house of the Legislature and signed by the Governor.

ARTICLE 9. Interpretation

340. Under circumstances in which portions of this statute are subject to conflicting interpretations, Section 300 shall be assumed to contain the governing intent of the statute.

END

Ron K. Unz, a high-technology entrepreneur, is Chairman of One Nation/One California, 555 Bryant St. #371, Palo Alto, CA 94301. Gloria Matta Tuchman, an elementary school teacher, is Chair of REBILLED, the Committee to Reform Bi-Lingual Education. 1742 Lerner Lane, Santa Ana, CA 92705.

Appendix B
EXAMPLE OF INTERVIEW QUESTIONS

The questions shown below are illustrative of those asked. Because the style of interviewing was conversational, I skipped questions that would disrupt the logic or flow of what I was being told and I added questions in order to understand what I was being told or observing.

1998 Administrator Interviews

I am a Professor of Political Science at Boston University and a Research Fellow at the Public Policy Institute of California. I am doing research on the implementation of Proposition 227 in California. I want to ask you some questions about this process and to observe the classrooms in your school designated for LEP students. No school or individual will be identified in my report. This is not a study of the quality of instruction. I am gathering information on the ways in which Proposition 227 is being interpreted and implemented as background information for the analysis of data that I will be conducting.

1. What are the language groups in your LEP population?
2. Which groups were receiving bilingual education prior to 227?
3. What were the other LEP students receiving?
4. What was the effect of Proposition 227 on your school?
5. What guidance did you receive from the central administration and the state on the implementation of 227?
6. What problems have you encountered in implementing 227?
7. How has your school changed?
8. How have your teachers reacted to having to implement 227?
9. How do they feel about bilingual education and about 227?
10. How have the parents of LEP students reacted? What are their feelings about the language of instruction for their child this year and compared to last year?
11. What was the process by which bilingual waivered classrooms were created?
12. What was your role and what was the role of teachers?
13. Did you require parents to come to the school and sign a waiver? Were there exceptions to this rule?
14. How do your parents feel about their children being taught in the native tongue?
15. How do your parents feel about their children being taught in English?
16. How many classrooms in your school are waivered bilingual education and how many are structured English immersion by grade and language group?
17. Do you have a list of the classrooms in your school, their grade, program title, and enrollment?
18. Have you talked to other principals about how 227 was implemented in their schools and their problems? [If no] have you heard anything about the process of implementation in other schools? [If yes] What?
19. Do you want to go with me to observe classrooms or should I just follow this list of classrooms?

Note: it was rare for principals to accompany me to classrooms.

Appendix B (cont.)

1998 Teacher Interviews

1. What is the name of the program these children are in?
2. [If sheltered English immersion in LA Unified] Is this Model A or Model B?
3. What languages (or dialects) do these children speak?
4. What languages (or dialects) do you speak?
5. What language do these children learn to read and write in?
6. About how much time do you spend teaching in English and how much in _____ (the native tongue].
7. [If native tongue instruction] Which subjects?
8. [If native tongue instruction] Are you using more or less English than you were at the same time last year? [If more or less] Why?
9. [If native tongue instruction] When do these children transition to English in subject matter?
10. What problems have you encountered in teaching these children in this program this year?
11. [If sheltered English immersion] What about the long term success of this approach?
12. What guidance did you receive from your school's administration and from the district's administration?
13. How did you create bilingual education classrooms? How were parents involved?
14. How do you feel about the program you are teaching in? Is this the best way to teach these children?
15. Do you feel you have the support of the parents for this program?

Additional 2001 Teacher Interview Questions

1. [If sheltered English immersion] Are you a former bilingual education teacher?
2. [If former bilingual education] Which do you like better, bilingual education or sheltered English immersion?
3. [If former bilingual education] Would you ever want to go back to bilingual education?

APPENDIX C
LANGUAGE CENSUS INSTRUCTIONS
FORM R30-LC
SPRING 2001

Table of Contents

Submission Information....1
R30-LC Page 1 Instructions....3
Part 1 - English learners (EL) and Fluent-English Proficient (FEP) Students....4
Part 2 - English learners' Instructional Information....6
Part 3 - Students Redesignated....10
Part 4 - Oral English Proficiency....10
Part 5 - Teachers and Bilingual Paraprofessionals Providing Services to English learners....11

Submission Information

Who completes the Language Census?

Each spring, the Language Census data collection captures non-English languages spoken by students in California and in what numbers. Reported on the R30-LC form, the data are required by both the California Education Code[1] and federal case law. Submission of the Language Census for each school is a district responsibility and must be completed for every public school (grades kindergarten through 12) including community schools and community day schools. Most counties and a few districts administer schools that are jointly juvenile hall and community schools. In these cases, the Language Census must be completed for only the community school students. Based on federal case law, charter schools must also submit the Language Census or comparable data. The following types of schools are not required to submit a Language Census: the California Youth Authority schools; preschools; juvenile halls (except for any Community School students, as noted above); children's centers; adult schools; and regional occupational centers.

Changes to the R30-LC form

This year we made some design changes and added extra space to the R30-LC. The content remains the same. The intent of the changes is to make the form easier to complete and to prevent errors.

Distribution of Language Census Materials

The Educational Demographics Office is distributing all materials for completion of the Language Census directly to both county and school district offices in 2001. These local education agencies (LEAs) will return the completed Language Census forms for all the K-12 public schools they administer or to which they have granted charters.

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[1] Education Code 62002 and 62003 (former EC sections 52164.2 and 52164.5 and California Code of Regulations, Title 5, Education, sections 4304-4306)

Each LEA has designated a local contact to receive and return the Language Census data to our office. The LEA has also notified us of whether the data will be submitted on paper or using our software. For software users, the LEA has decided whether or not to request paper forms for internal data collection only. These internal forms are intended to gather the required data from the schools so that the district or county office can enter the data into the software. We call these internal forms "working copies" and a blue label distinguishes them. LEAs that submit data to our office on paper forms will have white labels.

In distributing the Language Census materials to LEAs, the content will vary based on decisions each LEA has made.

- LEAs choosing **paper submission** will receive, for each K-12 public school, one *Language Census, Spring 2001 Form* (R30-LC), one set of *Language Census Instructions*, one set of *Frequently Asked Questions* and one preprinted white label.
- LEAs choosing **software submission and requesting internal paper forms** will receive, for each K-12 public school, one *Language Census, Spring 2001 Form* (R30-LC), one set of *Language Census Instructions*, one set of *Frequently Asked Questions* and one preprinted blue label.
- LEAs choosing **software submission and not requesting internal paper forms** will receive one *Language Census, Spring 2001 Form* (R30-LC), one set of *Language Census Instructions*, and one set of *Frequently Asked Questions.*

Software submission

We strongly encourage you to complete and submit the census data using the LC Data Entry Assistant (LCDEA) software available at our web site. If you choose to use this software application, you do ***NOT*** need to submit any paper forms to us. Internet access and Windows 95 (or later version of Windows) are required in order to use the software. For more information and to obtain the software, view the web site at http://www.cde.ca.gov/demographics/lc2001

Return information

Whether you use the LCDEA software or the paper form, the data must be submitted to our office through the county or district office, on or before April 3, 2001. If you are completing a paper form, submit the data to your district or county Language Census Coordinator, per their instructions, in time for transmittal to the Educational Demographics Office by April 3, 2001 (see Page 1 of the R30-LC for the address).

If you are submitting your data on a paper form, affix the preprinted label to the R30-LC form where indicated at the top of Page 1. If there is no label for a school, see the instructions enclosed with the labels or contact our office for assistance.

Data and Program Assistance

For questions about data submission, contact Nancy Chiu at (916) 327-0208 or her e-mail at nchiu@cde.ca.gov.

For English learner program and policy information (in particular parts 2 and 5 of the R30-LC), you may contact David Dolson at (916) 654-3883 or his e-mail at ddolson@cde.ca.gov or Lauri Burnham at (916) 654-8787 or her e-mail at lburnham@cde.ca.gov.

R30-LC Page 1 Instructions

Submission Options

Check the first box on Page 1 of the R30-LC form if there are no English learners (EL) and no Fluent-English Proficient (FEP) students enrolled as of March 1, 2001. Next, complete the contact information and certification and only submit Page 1 of the form by April 3, 2001.

Or,

Check the second box if there are English learners (EL) and/or fluent-English proficient (FEP) students enrolled as of March 1, 2001. Next, complete the contact information, certification, and parts 1-5 and submit by April 3, 2001.

Contact Information

Print the name and phone number of the person completing the form and enter the current date. The contact person must be able to verify data entered on the form and to provide assistance if errors or inconsistencies are found with the data.

Certification of Language Census

All forms submitted on paper must be signed or submitted with a signed cover letter. If the district office compiles the school data, a cover letter certifying the accuracy of the data for all schools is acceptable in lieu of a certification signature on each form.

Primary Language Codes

Only those codes listed for the primary languages on Page 1 of the R30-LC form may be used in parts 1 and 5.

Part 1 - English learners (EL) and Fluent-English Proficient (FEP) Students

Following are definitions of several terms used in the R30-LC form.

English learner (EL):

A student for whom there is a report of a primary language other than English on the state-approved "Home Language Survey" and who, on the basis of the state-approved oral language (grades K-12) assessment procedures and including literacy (grades 3-12 only), has been determined to lack the clearly defined English language skills of listening comprehension, speaking, reading, and writing necessary to succeed in the school's regular instructional programs.

Fluent-English Proficient students:

Fluent-English proficient (FEP) students are those whose primary language is other than English and who have met the district criteria for determining proficiency in English (i.e., those students who were initially identified as FEP and students redesignated from English learner to FEP). FEP students are reported every year as long as they are enrolled.

Primary Language:

A student's primary language is identified by the "Home Language Survey" as the language first learned, most frequently used at home, or most frequently spoken by the parents or adults in the home. For the purposes of the Language Census, sign language is not identified as a primary language.

Language Code:

A language code is a two-digit number assigned to each primary language identified in California public schools.

Part 1 Instructions

(a) Primary Language Name

(b) Primary Language Code

Enter the language code and language name for each primary language, other than English, spoken by students identified as English learners and/or FEP at the school. The primary language codes are on Page 1 of R30-LC form and the last page of these instructions. Enter only the language codes shown on the Primary Language Code list.

If a student reports a primary language other than English and it is not on the list, enter code 99, *All other non-English languages*. Combine all languages with a code 99 onto a single line.

(c) Type

Enter the number of students on either the English learner (EL) or FEP line.

(d) - (r) Grade Level

Enter the number of all identified English learners and FEP students by grade level on the corresponding row of their primary language. Total each row and enter the sum in Column (r). Enter the grand total of English learners and FEP at the bottom of Column (r). Count each student only once. Do not estimate and do not include English-only students. Do not enter any zeroes.

If you are submitting on paper and there is insufficient space on the form for all the primary languages, other than English, spoken by students at the school, you may copy Page 2 and include the copy as an attachment. Please write "Attachment" at the top of the page in red ink.

1 Totals - EL

For paper submission, enter the total number of English learners. Software users will have automated calculations.

2 Total - FEP

For paper submission, enter the total number of FEP students. Software users will have automated calculations.

Part 2 - English learners' Instructional Information

If you have questions on Part 2, please contact:

- David Dolson, Language Policy and Leadership Office, (916) 654-3883; or,
- Lauri Burnham, Language Proficiency and Academic Accountability, (916) 654-8787.

3 Total English learners from Part 1, row 1, column (r)

Enter the total from Part 1, Row 1, Column (r) of Page 2. This step will not be necessary for software users.

A. Number of English learners (EL) Enrolled in Specific Instructional Settings

Rows 4 - 8

Report all English learners placed in instructional settings required by Education Code 300-340. Count each English learner only once and report him/her in the column that most closely describes the placement of that student.

Special Notice: The total number of English learners reported in Row 9 must equal the total number of English learners reported in Part 1, Row 1, Column (r), of the R30-LC form. If you do not enter the correct number in Row 9, the form will be considered incomplete and may be returned for correction. Software users will have these calculations automated and will be warned if parts 1 and 2 do not match.

4 Structured English Immersion

These are classes where English learners who have not yet met local district criteria for having achieved a "good working knowledge" (also defined as "reasonable fluency") of English are enrolled in an English language acquisition process for young children in which nearly all classroom instruction is in English but with a curriculum and presentation designed for children who are learning the language (EC 305 and 306(a)).

5 Alternative Course of Study

These are classes where English learners are taught English and other subjects through bilingual education techniques or other generally recognized methodologies permitted by law. The students enrolled have been (1) granted a parental exception waiver pursuant to EC 310 and 311; or (2) enrolled in any Alternative Education Program operated under the Superintendent of Public Instruction's waiver authority (EC 58509) when such an alternative for English learners was established specifically to waive one or more sections of Education Code 300 through 340; or (3) enrolled in a Charter School program which offers any alternative course of study for English learners.

6 English Language Mainstream Class - Students Meeting Criteria

These are classes where English learners who have met local district criteria for having achieved a "good working knowledge" (also defined as "reasonable fluency") of English are enrolled and provided with additional and appropriate services (EC 305; CCR T5 11301 and 11302).

7 English Language Mainstream Class - Parental Request

These are classes where English learners, who have not met local district criteria for having achieved a "good working knowledge" (also defined as "reasonable fluency") of English, are enrolled in an English Language Mainstream Class and provided with additional and appropriate services on the basis of a parental request.

Note: CCR 11301(b) permits a parent or guardian of an English learner to request, at any time during the school year, that a child placed in Structured English Immersion be transferred to an English Language Mainstream Class and provided with additional and appropriate services. Enter in this column the number of English learners placed in an English Language Mainstream Class at the request of their parent or guardian.

8 Other Instructional Settings

These are classes or any instructional settings other than those described in rows 4 through 7 of Part 2. The instructional settings described in rows 4 through 7 are those explicitly authorized by Education Code 300-340.

9 Total English learners

Enter the sum of rows 4 through 8. Ensure that the total is the same as the total in Part 1, Row 1, Column (r). For software users, the calculations will be made electronically.

B. English learners Receiving Instructional Services

Report all English learners receiving instructional services who have been placed in the instructional settings reported in Section A., rows 4 through 8. For each student, choose the row that most closely describes the services received by him/her.

Count each English learner only once. Row 16 total must match the total in Row 9 and the total number of English learners reported in Part 1, Row 1, Column (r).

Special Notice: The total number of English learners reported in Row 16 must equal the total number of English learners reported in Part 1, Row 1, Column (r), of the R30-LC. If you do not enter the correct number in Row 16, the form will be considered incomplete and may be returned for correction. Software users will have these calculations automated and will be warned if parts 1 and 2 do not match.

10 English Language Development (ELD)

In this row, count English learners who receive at least ELD instruction but none of the other instructional services in rows 11-13. ELD is English language development instruction appropriate for the English learner's identified level of language proficiency. Such instruction is designed to promote the effective and efficient acquisition of listening, speaking, reading, and writing skills of English learners. In this row, count only those English learners receiving ELD instruction from teachers reported in Part 5.

11 ELD and Specially Designed Academic Instruction in English (SDAIE):

In this row, count English learners receiving, in addition to ELD as described in Row 10, at least two academic subjects required for grade promotion or graduation, taught through Specially Designed Academic Instruction in English (SDAIE). SDAIE is an approach used to teach academic courses in English to English learners and is designed to increase the level of comprehensibility of the English medium instruction. These English learners are not receiving primary language support or instruction as described in rows 12 and 13. Count in this row only those English learners receiving ELD and SDAIE from teachers reported in Part 5.

12 ELD and SDAIE with Primary Language Support

In this row, count English learners receiving, in addition to ELD and SDAIE as described in rows 10 and 11, at least two academic subjects required for grade promotion and graduation, facilitated by Primary Language (L1) Support. L1 Support is the use of the student's primary language to clarify meaning and facilitate comprehension of academic content taught through SDAIE or mainstream English. L1 Support is not the same as Primary Language Instruction as defined in Row 13. Count in this row only those English learners receiving ELD and SDAIE instruction from teachers reported in Part 5 and who concurrently receive L1 support from the same or another instructor.

Note: Primary Language Support may be provided by any teacher or any bilingual paraprofessional who is supervised by a credentialed teacher. No specialized credentials or certificates are required.

13 ELD and Academic Subjects Through the Primary Language (L1)

In this row, count English learners receiving, in addition to ELD as described in Row 10, at least two academic subjects required for grade promotion and graduation taught primarily through the primary language (L1). In kindergarten through grade 6, L1 instruction must be provided, at a minimum, in Language Arts (including reading and writing) and Mathematics, Science, or Social Science. In grades 7-12, L1 instruction must be provided, at a minimum, in any two academic subjects required for grade promotion and graduation. English learners reported as receiving L1 instruction may also receive SDAIE as described in Row 11. Count in this row only those English learners who receive ELD and L1 instruction from teachers reported in Part 5.

14 Instructional Services other than those defined in rows 10 through 13

In this row, count English learners receiving some type of instructional service which is specifically designed for English learners but which is an instructional service that does not correspond to any one of the descriptions of services found in rows 10-13 in Part 2. English learners reported in Row 14 may, but are not required to, receive the English learner instructional service from teachers reported in Part 5.

15 Not Receiving any English learner Services

In this row, count all of the remaining English learners who have not been counted previously in any row 10-14. These English learners are not receiving any specialized instructional services as specified in rows 10-14.

16 Total English Learners

Enter the sum of rows 10-15. Ensure that this total is the same as the total in Row 9 Total English learners. This will be calculated electronically for software users.

Part 3 - Students Redesignated

17 Students redesignated

Enter the total number of English learners redesignated as FEP since the last census (March 1, 2000). Include those who are no longer enrolled at the school (i.e., graduated or moved). These students are redesignated according to the multiple criteria, standards, and procedures adopted by the district and demonstrate English language proficiency comparable to that of average native English speakers.

NOTE: In future years, continue to count these FEP students in Part 1 if still enrolled in the school.

Part 4 - Oral English Proficiency

This part must be completed if there were any English learners and/or FEP students reported in Part 1. Check only one of the three options. If no row is checked, the CDE will default the selection to option 18c.

18 a. Check this option if the school uses one or more of the listed, state-approved tests as part of its initial identification of English learner or FEP status.

18 b. Check this option if the district has on file a current CDE approved waiver to use an alternative testing procedure.

18 c. Select this option if the school uses a method **other** than those identified in 18a and 18b for the initial identification of English learners and FEP students.

Part 5 - Teachers and Bilingual Paraprofessionals Providing Services to English learners

If you have questions on Part 5, please contact:

- David Dolson, Language Policy and Leadership Office, (916) 654-3883; or,
- Lauri Burnham, Language Proficiency and Academic Accountability, (916) 654-8787.

This part reflects the staffing requirements for services to English learners as described in the *2000-2001 Coordinated Compliance Review (CCR) Training Guide.*

Count each teacher and paraprofessional (aide) only once. Report in whole numbers regardless of full-time or part-time status (no fractions or decimals). If a teacher or aide works at more than one school, report the person at the school in which he or she spends the majority of time providing instruction. If the teacher or aide spends an equal amount of time at more than one site, choose only one site to report the person.

Caution: If a teacher holds a CTC bilingual, SDAIE or ELD authorization and is not providing services directly to English learners at the school, do not report the teacher in Part 5.

A. Teachers providing Primary Language Instruction to English learners and Bilingual Paraprofessionals

Identify the teachers who provide Primary Language instruction to students who were counted in Part 2, Row 13.

19 - 26, a & b Language of Instruction

Enter the two digit language code and language name for each language of instruction provided by a teacher and/or paraprofessional (aide) to the English learners reported in Part 1, Row 1, Column (r), and Part 2, Row 16. Do not enter the language Vietnamese if there are no Vietnamese English learners reported in Part 1. Please refer to Page 15 of these Instructions or Page 1 of the R30-LC for language codes and names.

(c) Teachers with a CTC Bilingual Authorization:

Include persons who (1) have valid Commission for Teacher Credentialing (CTC) Bilingual Crosscultural Language and Academic Development (BCLAD) certificates, (2) Bilingual Crosscultural Certificates of Competence (BCC), or (3) other CTC authorization for bilingual education including emergency or sojourn authorizations.

(d) Teachers in Training for a CTC Bilingual Authorization:

Teachers in Training are teachers who, on an interim basis, have been teamed with a bilingual paraprofessional (aide) to meet the primary language instruction staffing need in response to a district shortage of qualified bilingual teachers; or teachers who are documented to have the required language skills of the English learners (i.e., authorized foreign trained teachers providing content instruction in the native language) and not teamed with an aide. Each teacher should have completed or be currently enrolled in training that will qualify him or her for a bilingual certificate issued by the CTC. A description of the training program for these teachers should be included in the district's *Plan to Remedy the Shortage of Qualified Staff* or the most current *Staffing Plan Annual Report.*

(e) Paraprofessionals (aides) teamed with teachers reported in column (d)

Report bilingual paraprofessionals (aides) teamed with the teachers in training for the purpose of providing academic instruction through the primary language. These aides should meet district criteria that ensure aides are (1) able to speak, understand, read, and write English and the primary language of the English learners; and are (2) familiar with the cultural heritage of the English learners.

(f) All other bilingual paraprofessionals (aides)

Report the number of all other bilingual paraprofessionals (aides who were not reported in column (e)). Aides reported in this column are those providing primary language support or primary language instruction to English learners and who have met the same district criteria for employment as indicated for paraprofessionals teamed with teachers as described in column (e).

27 Total L1 teachers

Enter totals for rows 19-26 to indicate the total numbers of teachers for columns c and d. For software users, this calculation will be made electronically.

28 Total Teachers providing Primary Language Instruction

Enter the total number of teachers providing services to English learners enrolled in the school (the sum of row 27, column c and column d). For software users, this calculation will be made electronically. Note: a teacher should not be counted more than once in Part 5. The total entered in Row 28 should not represent a duplicate count of teachers.

B. Teachers providing ELD and/or SDAIE Instruction to English learners

Note: The purpose of Part 5, Section B, Rows 29-31, is to collect data on teachers providing

SDAIE and/or ELD exclusively. In cases where teachers provide SDAIE and/or ELD in addition to primary language instruction, these teachers should be reported in Part 5, Section A, rows 19-26. Do not report any teachers providing primary language instruction in Part 5, Section B, rows 29-31.

(a) SDAIE and ELD

Report teachers who provide SDAIE and ELD in column (a). Do not report them in column (a) if you have already reported them in Section A., rows 19-26.

(b) SDAIE only

Report teachers who provide only SDAIE in column (b). Do not report them in column (b) if you have already reported them in column (a) or in Section A., rows 19-26.

(c) ELD Only

Report teachers who provide only ELD in column (c). Do not report them in column (c) if you have already reported them in column (a) or (b) or in Section A., rows 19-26.

(d) Total by authorization/certificate (columns a + b + c)

Enter the sum of columns (a) + (b) + (c). These calculations will be made electronically for software users.

29 Teachers with a CTC SDAIE or ELD teaching authorization

Include teachers who hold a valid regular California teaching authorization and (1) whose credential is a valid Crosscultural Language and Academic Development (CLAD) credential or (2) who hold a Language Development Specialist (LDS) Certificate issued by CTC or (3) who hold an ESL supplementary authorization issued by the CTC. Also include in this row, any teacher providing only ELD and/or SDAIE (but not L1) instruction and who holds any of the various bilingual teaching authorizations described in rows 29-31.

30 Teachers with SB 1969 (or SB/395) Certificate of Completion

Include teachers who hold a SB 1969/395 certificate of completion of staff development training.

31 Teachers in training for SDAIE or ELD teaching authorization

Include teachers in training who provide SDAIE to English learners and who are enrolled in either CLAD training or a SB 1969/395 staff development program with a SDAIE focus. Include teachers in training who provide ELD to English learners and who are enrolled in either CLAD training or a SB 1969/395 staff development program with an ELD focus for self-contained classroom instruction.

32 Total teachers providing ELD and/or SDAIE instruction to English learners

Enter the sum of rows 29-31. For software users, this calculation will be made electronically.

C. Summary of Teachers Providing Instructional Services to English learners

This section summarizes data reported above. The summary should help you verify that no teachers have been counted more than once. Duplicate counts has been the most frequent error in Part 5 in prior years. Note: For software users, Section C will be completed electronically.

33 Teachers providing Primary Language instruction to English learners (Row 28)

Enter the total from Row 28.

34 Teachers providing ELD and/or SDAIE instruction to English learners (Row 32)

Enter the total from Row 32.

35 Total number of teachers providing instructional services (Sum of row 33 and row 34)

Enter the sum of rows 33 and 34.

LANGUAGE CODE LIST

The following is a list of primary languages and codes used for completing the Language Census form R30-LC in parts 1 and 5. Only language codes listed may be reported on the R30-LC form. Please do not enter language codes created for your individual school data systems.

Primary languages not listed below are assigned code 99 (all other non-English languages). On Part 1 of the R30-LC form, aggregate all the students assigned code "99" onto one row only.

Two changes were made to the Language Code List (see below):

- Serbian (code 31) - a separate listing for Serbian has been deleted and, instead, added to Serbo-Croatian (code 52); and,
- a Filipino label was added to Pilipino (Tagalog) (code 05), reflecting a change in the official name of the language.

For purposes of the data collection, sign language is not considered a primary language. Do not include it on the form.

If there is a language not listed below and is spoken by 5 or more students designated as English learners or FEP students at your school, contact Nancy Chiu, Educational Demographics Office, at (916) 327-0208. It is possible that new language codes will be added in future years.

Code/Language	
11	Arabic
56	Albanian
12	Armenian
42	Assyrian
13	Burmese
03	Cantonese
36	Cebuano (Visayan)
54	Chaldean
20	Chamorro
39	Chaozhou (Chiuchow)
14	Croatian
15	Dutch
16	Farsi (Persian)
17	French
18	German
19	Greek
43	Gujarati
21	Hebrew
22	Hindi
23	Hmong

Code/Language	
24	Hungarian
25	Ilocano
26	Indonesian
27	Italian
08	Japanese
09	Khmer (Cambodian)
50	Khmu
04	Korean
51	Kurdish
47	Lahu
10	Lao
07	Mandarin (Putonghua)
48	Marshallese
44	Mien (Yao)
49	Mixteco
40	Pashto
05	Pilipino (Tagalog or Filipino)
41	Polish
06	Portuguese

Code/Language	
28	Punjabi
45	Rumanian
29	Russian
30	Samoan
52	Serbo-Croatian (Serbian)
01	Spanish
46	Taiwanese
32	Thai
57	Tigrinya
53	Toishanese
34	Tongan
33	Turkish
38	Ukrainian
35	Urdu
02	Vietnamese
99	All other non-English languages

APPENDIX D

LANGUAGE CENSUS FORM,
2000-01

Language Census, Spring 2001
California Department of Education
R30-LC (rev. 01/01)

Page 1 of 4

CDS Code:
County name:
District name:
School name:

AFFIX LABEL HERE
or type information
or contact CDE for assistance

Language Census (LC) data may be submitted to the California Department of Education (CDE) using the LC Data Entry Assistant (LCDEA) software provided by CDE. Internet access and Windows 95 (or later version of Windows) are required in order to use this software. If you choose to use this software application, do NOT submit any paper forms.

Please check our site at **http://www.cde.ca.gov/demographics/lc2001** for more information on the LCDEA software.

If you are using the **LCDEA software**, submit completed data via the LCDEA software on or before **April 3, 2001**.

If you are **not using the LCDEA software**, complete and return this original form to CDE on or before **April 3, 2001** to:

Educational Demographics Office
California Department of Education
P.O. Box 944272
Sacramento, CA 94244-2720

Data submission assistance:
Nancy Chiu, (916) 327-0208 nchiu@cde.ca.gov

English learner program and policy information:
David Dolson, (916) 654-3883 ddolson@cde.ca.gov
Lauri Burnham, (916) 654-8787 lburnham@cde.ca.gov

Check the correct submission option below:

☐ **No English learner (EL) or Fluent-English Proficient (FEP) students enrolled as of March 1, 2001.**
Complete the contact information and certification below and submit only this page of the form by April 3, 2001.

OR..

☐ **English learner (EL) and/or Fluent-English Proficient (FEP) students enrolled as of March 1, 2001.**
Complete the contact information, certification, and Parts 1 through 5 and submit by April 3, 2001.

Contact Information
Print name of person completing form
Phone
Date

Certification Of Language Census	
Certification - I hereby certify that the data reported on this form are accurate. (If school data are compiled by the district office, a single cover letter which certifies the accuracy of the data for all schools may be submitted instead of an individual certification for each school.)	
Signature	Printed name
Title	Date

Primary Language Codes (only these codes may be used in Part 1 and Part 5)

Code	Language
11	Arabic
56	Albanian
12	Armenian
42	Assyrian
13	Burmese
03	Cantonese
36	Cebuano (Visayan)
54	Chaldean
20	Chamorro (Guamanian)
39	Chaozhou (Chiuchow)
14	Croatian
15	Dutch
16	Farsi (Persian)
17	French
18	German
19	Greek
43	Gujarati
21	Hebrew
22	Hindi
23	Hmong
24	Hungarian
25	Ilocano
26	Indonesian
27	Italian
08	Japanese
09	Khmer (Cambodian)
50	Khmu
04	Korean
51	Kurdish
47	Lahu
10	Lao
07	Mandarin (Putonghua)
48	Marshallese
44	Mien (Yao)
49	Mixteco
40	Pashto
05	Pilipino (Tagalog or Filipino)
41	Polish
06	Portuguese
28	Punjabi
45	Rumanian
29	Russian
30	Samoan
52	Serbo-Croatian (Serbian)
01	Spanish
46	Taiwanese
32	Thai
57	Tigrinya
53	Toishanese
34	Tongan
33	Turkish
38	Ukrainian
35	Urdu
02	Vietnamese
99	All other non-English languages

Language Census, Spring 2001
California Department of Education
R30-LC (rev. 01/01)

County-District-Site Code:

School Name:

Page 2 of 4

Part 1 **English Learners (ELs) and Fluent-English Proficient (FEP) Students**
Report all ELs and FEP students enrolled as of March 1, 2001. Do not enter any zeros.

Primary Language		Grade Level (Do not enter zeros)															Row Total
Language name	Code	Type	Kdgn	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	Ungr	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)
		EL															
		FEP															
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		FEP															
1	Totals - EL																
2	Totals - FEP																

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Language Census, Spring 2001
California Department of Education
R30-LC (rev. 01/01)

County-District-Site Code:

School Name:

Page 3 of 4

Part 2 English Learners' Instructional Information

3	**Total English learners from Part 1, row 1, column r**	3	

A. Number of English Learners Enrolled in Specific Instructional Settings

Choose the row that most closely describes the placement of English learners reported in Part 1 as required by Education Code sections 300-340. Count each English learner only once.

4	Structured English Immersion	4	
5	Alternative Course of Study	5	
6	English Language Mainstream Class - Students Meeting Criteria	6	
7	English Language Mainstream Class - Parental Request	7	
8	Other Instructional Settings	8	
9	**Total English learners** (Sum of rows 4 through 8 - must also match row 1, col r & row 16)	9	

Row 1, col. r and row 9 must match

B. English Learners Receiving Instructional Services

Choose the row that most closely describes the services received by the English learners reported in Part 1. Count each English learner only once.

English learners receiving services from teachers reported in Part 5

10	English Language Development (ELD)	10	
11	ELD and Specially Designed Academic Instruction in English (SDAIE)	11	
12	ELD and SDAIE with Primary Language (L1) Support	12	
13	ELD and Academic Subjects through the Primary Language (L1)	13	
14	Instructional services other than those defined in rows 10 - 13	14	
15	Not receiving any English learner services	15	
16	**Total English Learners** (Sum of rows 10 through 15 - must also match row 1, col r & row 9)	16	

Row 9 and 16 must match

Part 3 Students Redesignated

17	Enter the total number of English learners redesignated as fluent-English proficient students since the last census (March 1, 2000). Include those who are no longer enrolled at the school (i.e., graduated or moved).	17	

Part 4 Oral English Proficiency (check only one box)

18

☐ a. This school uses one or more of the following oral language assessment instruments in English for initial identification of ELs and FEP students: BSM I-II (K-12); LAS I-II (K-12); Pre LAS (ages 4-6); BINL (K-12); IPT I-II (K-12); Pre IPT (ages 3-5); QSE (K-6) and/or Woodcock-Munoz Language Survey (PreK-12).

☐ b. This school uses an **alternative instrument or procedure** for initial identification of ELs and FEP students. The district has on file a current **CDE approved waiver** to use the alternative instrument or procedure.

☐ c. This school uses a method **other** than those identified above in a. and b. for initial identification of ELs and FEP students.

Language Census, Spring 2001
California Department of Education
R30-LC (rev. 01/01)

County-District-Site Code:

School Name:

Page 4 of 4

Part 5 Teachers and Bilingual Paraprofessionals Providing Services to English Learners

ONLY report ***EL teachers and paraprofessionals*** *who provide services to English learners reported in Part 2 rows 10 through 13.* ***Each teacher should only be counted once*** *in all of Part 5. If a teacher holds a CTC bilingual, SDAIE or ELD authorization and is* ***not*** *providing services directly to English learners at the school,* ***DO NOT*** *report the teacher on this form.*

A. Teachers Providing Primary Language Instruction to ELs and Bilingual Paraprofessionals Providing Services to ELs
(teachers who provide instruction to students identified in Part 2, row 13)

	Language of Instruction		Teachers providing Primary Language Instruction		Bilingual Paraprofessionals	
	Code	Language name	Teachers with a CTC Bilingual Authorization	Teachers in training for a CTC Bilingual Authorization	Paraprofessionals (aides) teamed with teachers reported in column d	All other bilingual paraprofessionals (aides)
	(a)	(b)	(c)	(d)	(e)	(f)
19						
20						
21						
22						
23						
24						
25						
26						
27	**Total L1 teachers** (Sum of rows 19 - 26)					

28	**Total teachers providing Primary Language instruction** (Sum of row 27, column c and column d)	

DO NOT count these teachers in rows 29 through 31 below.

B. Teachers Providing ELD and/or SDAIE Instruction to English Learners
(teachers who provide instruction to students identified in Part 2, rows 10 through 12)

	Authorization/Certificate	SDAIE and ELD	SDAIE Only	ELD Only	Total by authorization/certificate (columns a + b + c)
		(a)	(b)	(c)	(d)
29	Teachers with a CTC SDAIE or ELD teaching authorization				
30	Teachers with an SB 1969/395 Certificate of Completion				
31	Teachers in training for SDAIE or ELD teaching				
32	**Total teachers providing ELD and/or SDAIE instruction to English learners** (Sum of rows 29 - 31)				

C. Summary of Teachers Providing Instructional Services to English Learners
(teachers who provide instruction to students identified in rows 28 and 32)

33	Teachers providing Primary Language instruction to English learners (Row 28)	33	
34	Teachers providing ELD and/or SDAIE instruction to English learners (Row 32)	34	
35	**Total number of teachers providing instructional services** (Sum of row 33 and row 34)	35	

APPENDIX F

PROGRAM ENROLLMENT IN CALIFORNIA, LOS ANGELES, SAN DIEGO, AND SAN FRANCISCO

Table F.1

Program Enrollment by Year in State of California

OLD CATEGORIES

Year	Bilingual	Sheltered English	English Lang. Dev.	English w/ L1 Supp.	Withdrawn or None	Other Services	Total Other or None	Total
NUMBER OF LEP OR EL STUDENTS ENROLLED								
1989-90	287,774	87,774	119,058	148,694	218,231		218,231	861,531
1990-91	330,791	100,364	147,033	164,466	243,808		243,808	986,462
1991-92	359,829	117,650	161,689	182,343	257,194		257,194	1,078,705
1992-93	385,727	141,791	164,997	201,441	257,863		257,863	1,151,819
1993-94	341,905	152,272	175,076	223,217	322,748		322,748	1,215,218
1994-95	376,633	183,105	161,940	250,172	291,132		291,132	1,262,982
1995-96	399,340	211,386	178,978	260,828	273,235		273,235	1,323,767
1996-97	410,127	274,845	158,640	298,395	239,386		239,386	1,381,393
1997-98	409,879	307,176	159,617	305,764	223,730		223,730	1,406,166
1998-99	169,440	410,681	152,260	472,893	96,758	140,660	237,418	1,442,692
1999-00	169,929	486,091	151,518	427,720	90,749	154,503	245,252	1,480,527
2000-01	167,163	540,045	165,427	401,724	82,466	155,830	238,296	1,512,655
PERCENTAGE OF LEP OR EL STUDENTS ENROLLED								
1989-90	33%	10%	14%	17%	25%		25%	
1990-91	34%	10%	15%	17%	25%		25%	
1991-92	33%	11%	15%	17%	24%		24%	
1992-93	33%	12%	14%	17%	22%		22%	
1993-94	28%	13%	14%	18%	27%		27%	
1994-95	30%	14%	13%	20%	23%		23%	
1995-96	30%	16%	14%	20%	21%		21%	
1996-97	30%	20%	11%	22%	17%		17%	
1997-98	29%	22%	11%	22%	16%		16%	
1998-99	12%	28%	11%	33%	7%	10%	16%	
1999-00	11%	33%	10%	29%	6%	10%	17%	
2000-01	11%	36%	11%	27%	5%	10%	16%	

NEW CATEGORIES

Year	Bilingual Ed./Alt. Ed./Charter School	Structured English Immersion	Mainstream-Student Meets Criteria	Mainstream-Parent Request	Other	Total
NUMBER OF LEP OR EL STUDENTS ENROLLED						
1998-99	179,334	702,592	416,962	44,947	98,857	1,442,692
1999-00	187,832	691,212	450,424	39,808	111,251	1,480,527
2000-01	181,455	721,364	472,697	44,921	92,218	1,512,655
PERCENTAGE OF LEP OR EL STUDENTS ENROLLED						
1998-99	12%	49%	29%	3%	7%	
1999-00	13%	47%	30%	3%	8%	
2000-01	12%	48%	31%	3%	6%	

Table F.2

Program Enrollment in State of California Elementary Schools Only

OLD CATEGORIES

NUMBER OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual	Sheltered English	English Lang. Dev.	English w/ L1 Supp.	Withdrawn or None	Other Services	Total Other or None	Total
1996-97	363,476	140,482	80,643	215,077	114,878		114,878	914,556
1997-98	363,568	171,276	72,450	224,314	101,240		101,240	932,848
1998-99	148,396	256,914	65,953	383,104	38,499	64,579	103,078	957,445
1999-00	153,643	317,020	61,519	349,037	31,317	64,705	96,022	977,241
2000-01	150,276	352,415	70,815	322,065	25,505	66,806	92,311	987,882

PERCENTAGE OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual	Sheltered English	English Lang. Dev.	English w/ L1 Supp.	Withdrawn or None	Other Services	Total Other or None
1996-97	40%	15%	9%	24%	13%		13%
1997-98	39%	18%	8%	24%	11%		11%
1998-99	15%	27%	7%	40%	4%	7%	11%
1999-00	16%	32%	6%	36%	3%	7%	10%
2000-01	15%	36%	7%	33%	3%	7%	9%

NEW CATEGORIES

NUMBER OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual Ed./Alt. Ed./Charter School	Structured English Immersion	Mainstream-Student Meets Criteria	Mainstream-Parent Request	Other	Total
1998-99	158,365	540,002	180,116	31,876	47,086	957,445
1999-00	164,967	532,285	206,415	28,076		977,241
2000-01	159,642	550,093	211,768	30,337	36,042	987,882

PERCENTAGE OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual Ed./Alt. Ed./Charter School	Structured English Immersion	Mainstream-Student Meets Criteria	Mainstream-Parent Request	Other
1998-99	17%	56%	19%	3%	5%
1999-00	17%	54%	21%	3%	5%
2000-01	16%	56%	21%	3%	4%

Table F.3

Program Enrollment in Los Angeles Unified School District

OLD CATEGORIES

NUMBER OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual	Sheltered English	English Lang. Dev.	English w/ L1 Supp.	Withdrawn or None	Other Services	Total Other or None	Total
1989-90	116,896	14,991	12,182	29,527	39,710		39,710	213,306
1990-91	134,872	17,011	25,818	24,471	39,795		39,795	241,967
1991-92	147,981	20,267	23,663	28,630	43,367		43,367	263,908
1992-93	155,171	20,688	25,219	31,813	47,008		47,008	279,899
1993-94	93,254	8,824	20,226	41,392	127,831		127,831	291,527
1994-95	101,691	11,988	11,358	51,548	118,416		118,416	295,001
1995-96	100,853	17,627	27,574	56,622	98,304		98,304	300,980
1996-97	101,882	42,100	14,852	77,196	73,772		73,772	309,802
1997-98	107,706	33,877	23,388	79,981	67,519		67,519	312,471
1998-99	14,575	37,208	24,632	173,255	890	62,882	63,772	313,442
1999-00	19,983	36,302	25,736	164,522	1,148	64,267	65,415	311,958
2000-01	17,066	39,667	26,327	161,684	1,465	61,385	62,850	307,594

PERCENTAGE OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual	Sheltered English	English Lang. Dev.	English w/ L1 Supp.	Withdrawn or None	Other Services	Total Other or None	Total
1989-90	55%	7%	6%	14%	19%		19%	
1990-91	56%	7%	11%	10%	16%		16%	
1991-92	56%	8%	9%	11%	16%		16%	
1992-93	55%	7%	9%	11%	17%		17%	
1993-94	32%	3%	7%	14%	44%		44%	
1994-95	34%	4%	4%	17%	40%		40%	
1995-96	34%	6%	9%	19%	33%		33%	
1996-97	33%	14%	5%	25%	24%		24%	
1997-98	34%	11%	7%	26%	22%		22%	
1998-99	5%	12%	8%	55%	0%	20%	20%	
1999-00	6%	12%	8%	53%	0%	21%	21%	
2000-01	6%	13%	9%	53%	0%	20%	20%	

NEW CATEGORIES

NUMBER OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual Ed./Alt. Ed./Charter School	Structured English Immersion	Mainstream-Student Meets Criteria	Mainstream-Parent Request	Other	Total
1998-99	15,757	213,200	82,448	1,147	890	313,442
1999-00	26,118	200,462	82,713	1,517	1,148	311,958
2000-01	22,270	205,631	76,975	1,570	1,148	307,594

PERCENTAGE OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual Ed./Alt. Ed./Charter School	Structured English Immersion	Mainstream-Student Meets Criteria	Mainstream-Parent Request	Other	Total
1998-99	5%	68%	26%	0%	0%	
1999-00	8%	64%	27%	0%	0%	
2000-01	7%	67%	25%	1%	0%	

Table F.4
Program Enrollment in Los Angeles Unified School District Elementary Schools Only

OLD CATEGORIES

Year	Bilingual	Sheltered English	English Lang. Dev.	English w/ L1 Supp.	Withdrawn or None	Other Services	Total Other or None	Total
NUMBER OF LEP OR EL STUDENTS ENROLLED								
1996-97	92,780	11,750	103	61,561	41,054		41,054	207,248
1997-98	97,081	14,672	237	67,775	31,844		31,844	211,609
1998-99	10,667	15,405	213	153,865	9	34,528	34,537	214,687
1999-00	17,847	18,551	89	148,213	22	30,332	30,354	215,054
2000-01	14,871	22,247	57	145,596	12	29,313	29,325	212,096
PERCENTAGE OF LEP OR EL STUDENTS ENROLLED								
1996-97	45%	6%	0%	30%	20%		20%	
1997-98	46%	7%	0%	32%	15%		15%	
1998-99	5%	7%	0%	72%	0%	16%	16%	
1999-00	8%	9%	0%	69%	0%	14%	14%	
2000-01	7%	10%	0%	69%	0%	14%	14%	

NEW CATEGORIES

Year	Bilingual Ed./Alt. Ed./Charter School	Structured English Immersion	Mainstream-Student Meets Criteria	Mainstream-Parent Request	Other	Total
NUMBER OF LEP OR EL STUDENTS ENROLLED						
1998-99	13,963	190,100	10,235	380	9	214,687
1999-00	23,187	182,323	9,327	432	22	215,291
2000-01	19,509	185,622	6,529	424	12	212,096
PERCENTAGE OF LEP OR EL STUDENTS ENROLLED						
1998-99	7%	89%	5%	0%	0%	
1999-00	11%	85%	4%	0%	0%	
2000-01	9%	88%	3%	0%	0%	

Table F.5

Program Enrollment in San Diego City Unified School District

OLD CATEGORIES

Year	Bilingual	Sheltered English	English Lang. Dev.	English w/ L1 Supp.	Withdrawn or None	Other Services	Total Other or None	Total
NUMBER OF LEP OR EL STUDENTS								
1989-90	6,142	1,810	7,438	3,512	3,419		3,419	22,321
1990-91	8,420	1,945	6,987	3,720	3,963		3,963	25,035
1991-92	10,500	3,704	6,335	2,009	5,260		5,260	27,808
1992-93	9,609	4,532	5,329	4,099	7,241		7,241	30,810
1993-94	10,410	6,984	7,207	3,019	5,777		5,777	33,397
1994-95	9,902	5,443	5,922	5,384	7,710		7,710	34,361
1995-96	11,546	7,287	5,482	5,795	5,944		5,944	36,054
1996-97	12,462	7,833	6,151	6,389	4,578		4,578	37,413
1997-98	12,704	10,173	4,013	7,248	4,404		4,404	38,542
1998-99	6,703	14,838	4,291	8,527	2,161	2,248	4,409	38,768
1999-00	10,231	21,294	1,584	3,144	1,748	1,490	3,238	39,491
2000-01	10,820	25,125	159	1,937	232	594	826	38,867
PERCENTAGE OF LEP OR EL STUDENTS								
1989-90	28%	8%	33%	16%	15%		15%	
1990-91	34%	8%	28%	15%	16%		16%	
1991-92	38%	13%	23%	7%	19%		19%	
1992-93	31%	15%	17%	13%	24%		24%	
1993-94	31%	21%	22%	9%	17%		17%	
1994-95	29%	16%	17%	16%	22%		22%	
1995-96	32%	20%	15%	16%	16%		16%	
1996-97	33%	21%	16%	17%	12%		12%	
1997-98	33%	26%	10%	19%	11%		11%	
1998-99	17%	38%	11%	22%	6%	6%	11%	
1999-00	26%	54%	4%	8%	4%	4%	8%	
2000-01	28%	65%	0%	5%	1%	2%	2%	

NEW CATEGORIES

Year	Bilingual Ed./Alt. Ed./Charter School	Structured English Immersion	Mainstream-Student Meets Criteria	Mainstream-Parent Request	Other	Total
NUMBER OF LEP OR EL STUDENTS ENROLLED						
1998-99	6,702	23,253	4,406	537	3,870	38,768
1999-00	10,863	15,364	10,699	345	2,220	39,491
2000-01	12,399	10,822	14,880	107	659	38,867
PERCENTAGE OF LEP OR EL STUDENTS ENROLLED						
1998-99	17%	60%	11%	1%	10%	
1999-00	28%	39%	27%	1%	6%	
2000-01	32%	28%	38%	0%	2%	

Table F.6

Program Enrollment in San Diego City School District
Elementary Schools Only

OLD CATEGORIES

NUMBER OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual	Sheltered English	English Lang. Dev.	English w/ L1 Supp.	Withdrawn or None	Other Services	Total Other or None	Total
1996-97	10,953	4,341	3,557	4,908	1,032		1,032	24,791
1997-98	10,921	5,973	2,016	5,875	814		814	25,599
1998-99	6,587	8,641	2,510	6,683	186	657	843	25,264
1999-00	9,962	13,740	259	1,477	151	525	676	26,114
2000-01	10,391	14,686	3	552	7	187	194	25,826

PERCENTAGE OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual	Sheltered English	English Lang. Dev.	English w/ L1 Supp.	Withdrawn or None	Other Services	Total Other or None	Total
1996-97	44%	18%	14%	20%	4%		4%	
1997-98	43%	23%	8%	23%	3%		3%	
1998-99	26%	34%	10%	26%	1%	3%	3%	
1999-00	38%	53%	1%	6%	1%	2%	3%	
2000-01	40%	57%	0%	2%	0%	1%	1%	

NEW CATEGORIES

NUMBER OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual Ed./Alt. Ed./Charter School	Structured English Immersion	Mainstream-Student Meets Criteria	Mainstream-Parent Request	Other	Total
1998-99	6,586	15,224	1,602	422	1,430	25,264
1999-00	10,362	9,639	5,408	267	438	26,114
2000-01	10,393	5,103	5,103	87	63	25,826

PERCENTAGE OF LEP OR EL STUDENTS ENROLLED

Year	Bilingual Ed./Alt. Ed./Charter School	Structured English Immersion	Mainstream-Student Meets Criteria	Mainstream-Parent Request	Other	Total
1998-99	26%	60%	6%	2%	6%	
1999-00	40%	37%	21%	1%	2%	
2000-01	40%	20%	20%	0%	0%	

Table F.7

Program Enrollment in San Francisco Unified School District

OLD CATEGORIES

Year	Bilingual	Sheltered English	English Lang. Dev.	English w/ L1 Supp.	Withdrawn or None	Other Services	Total Other or None	Total
NUMBER OF LEP OR EL STUDENTS ENROLLED								
1989-90	5,146	4,420	2,625	4,083	1,361		1,361	17,635
1990-91	4,563	3,981	2,791	4,182	1,597		1,597	17,114
1991-92	5,394	4,697	2,319	3,765	1,391		1,391	17,566
1992-93	5,614	5,350	2,397	3,100	1,365		1,365	17,826
1993-94	5,730	5,557	1,892	2,511	1,983		1,983	17,673
1994-95	7,956	5,501	1,065	1,809	1,291		1,291	17,622
1995-96	7,986	5,689	674	1,603	2,587		2,587	18,539
1996-97	7,699	2,480	5,814	0	3,466		3,466	19,459
1997-98	8,210	7,919	1,429	0	1,320		1,320	18,878
1998-99	7,985	6,763	259	1,719	1,289	737	2,026	18,752
1999-00	6,663	5,426	1,877	1,661	2,368	631	2,999	18,626
2000-01	6,186	6,822	239	2,065	2,027	698	2,725	18,037
PERCENTAGE OF LEP OR EL STUDENTS ENROLLED								
1989-90	29%	25%	15%	23%	8%		8%	
1990-91	27%	23%	16%	24%	9%		9%	
1991-92	31%	27%	13%	21%	8%		8%	
1992-93	31%	30%	13%	17%	8%		8%	
1993-94	32%	31%	11%	14%	11%		11%	
1994-95	45%	31%	6%	10%	7%		7%	
1995-96	43%	31%	4%	9%	14%		14%	
1996-97	40%	13%	30%	0%	18%		18%	
1997-98	43%	42%	8%	0%	7%		7%	
1998-99	43%	36%	1%	9%	7%	4%	11%	
1999-00	36%	29%	10%	9%	13%	3%	16%	
2000-01	34%	38%	1%	11%	11%	4%	15%	

NEW CATEGORIES

Year	Bilingual Ed./Alt. Ed./Charter School	Structured English Immersion	Mainstream-Student Meets Criteria	Mainstream-Parent Request	Other	Total
NUMBER OF LEP OR EL STUDENTS ENROLLED						
1998-99	7,993	8,755	0	1,290	714	18,752
1999-00	6,663	8,964	0	1,201	1,798	18,626
2000-01	9,126	6,186	0	1,306	1,419	18,037

Table F.8

Program Enrollment in San Francisco Unified School District Elementary Schools Only

OLD CATEGORIES

Year	Bilingual	Sheltered English	English Lang. Dev.	English w/ L1 Supp.	Withdrawn or None	Other Services	Total Other or None	Total
NUMBER OF LEP OR EL STUDENTS ENROLLED								
1996-97	6,513	0	4,647	0	786		786	11,946
1997-98	6,504	5,072	154	0	330		330	12,060
1998-99	6,154	4,014	0	1,036	347	266	613	11,817
1999-00	5,577	4,818	0	728	473	255	728	11,851
2000-01	5,234	4,190	0	1,100	588	314	902	11,426
PERCENTAGE OF LEP OR EL STUDENTS ENROLLED								
1996-97	55%	0%	39%	0%	7%		7%	
1997-98	54%	42%	1%	0%	3%		3%	
1998-99	52%	34%	0%	9%	3%	2%	5%	
1999-00	47%	41%	0%	6%	4%	2%	6%	
2000-01	46%	37%	0%	10%	5%	3%	8%	

NEW CATEGORIES

Year	Bilingual Ed./Alt. Ed./Charter School	Structured English Immersion	Mainstream-Student Meets Criteria	Mainstream-Parent Request	Other	Total
NUMBER OF LEP OR EL STUDENTS ENROLLED						
1998-99	6,154	5,050	0	347	266	11,817
1999-00	5,577	5,546	0	349	379	11,851
2000-01	5,234	5,290	0	340	562	11,426
PERCENTAGE OF LEP OR EL STUDENTS ENROLLED						
1998-99	52%	43%	0%	3%	2%	
1999-00	47%	47%	0%	3%	3%	
2000-01	46%	46%	0%	3%	5%	

APPENDIX G

BILINGUAL EDUCATION ENROLLMENT IN THE LARGEST SCHOOL DISTRICTS IN CALIFORNIA

Table G.1

Bilingual Education Pre and Post Proposition 227 in Largest (at or above 20,000 in 2000-01) School Districts in California

DISTRICT	COUNTY	97-98 Bil. Ed.	98-99 Bil. Ed.	99-00 Bil. Ed.	00-01 Bil. Ed.	00-01 LEP/EL	00-01 Spanish LEP/EL	00-01 Total Enrollmen	97-98 % Bil.	98-99 % Bil.	99-00 % Bil.	00-01 % Bil.	1 Yr. Change # Bil.	3 Yr. Change # Bil.	1 Yr. Change % Bil.	3 Yr. Change % Bil.
ABC Unified	Los Angeles	1,856	487	475	472	4,859	3,178	22,303	36%	10%	10%	10%	-1,369	-1,384	-26%	-26%
Anaheim Elementary	Orange	0	0	91	77	13,761	13,114	22,275	0%	0%	1%	1%	0	77	0%	1%
Anaheim Union High	Orange	215	7	28	0	8,256	6,951	29,363	3%	0%	0%	0%	-208	-215	-2%	-3%
Antioch Unified	Contra Costa	0	0	0	0	1,237	998	20,018	0%	0%	0%	0%	0	0	0%	0%
Bakersfield City Elementar	Kern	1	1	616	520	8,103	7,880	27,674	0%	0%	8%	6%	0	519	0%	6%
Capistrano Unified	Orange	959	216	254	222	6,537	5,175	45,074	19%	4%	4%	3%	-743	-737	-15%	-15%
Chino Valley Unified	San Bernardi	583	0	0	0	4,026	3,508	31,763	15%	0%	0%	0%	-583	-583	-15%	-15%
Chula Vista Elementary	San Diego	3,523	1668	2,437	2757	7,718	7,240	23,132	50%	23%	33%	36%	-1,855	-766	-27%	-14%
Clovis Unified	Fresno	375	0	0	0	2,959	914	32,717	12%	0%	0%	0%	-375	-375	-12%	-12%
Colton Joint Unified	San Bernardi	584	0	0	0	4,051	3,867	22,118	16%	0%	0%	0%	-584	-584	-16%	-16%
Compton Unified	Los Angeles	3,996	621	436	292	18,861	18,727	31,037	35%	5%	3%	2%	-3,375	-3,704	-30%	-33%
Conejo Valley Unified	Ventura	0	0	0	0	1,643	1,416	20,999	0%	0%	0%	0%	0	0	0%	0%
Corona-Norco Unified	Riverside	1,054	369	389	382	5,866	5,613	37,487	20%	7%	7%	7%	-685	-672	-13%	-14%
Desert Sands Unified	Riverside	2,483	827	621	423	6,720	6,612	23,500	44%	14%	10%	6%	-1,656	-2,060	-30%	-38%
Downey Unified	Los Angeles	229	234	228	157	5,779	5,447	21,474	4%	4%	4%	3%	5	-72	0%	-2%
East Side Union High	Santa Clara	269	145	151	274	4,612	2,676	24,282	5%	3%	3%	6%	-124	5	-2%	1%
Elk Grove Unified	Sacramento	0	0	0	0	9,692	3,116	47,736	0%	0%	0%	0%	0	0	0%	0%
Fairfield-Suisun Unified	Solano	214	225	242	255	2,721	1,985	22,263	9%	9%	10%	9%	11	41	0%	0%
Fontana Unified	San Bernardi	1,756	0	0	0	12,692	12,560	37,244	19%	0%	0%	0%	-1,756	-1,756	-19%	-19%
Fremont Unified	Alameda	511	569	475	559	3,792	1,226	31,078	14%	15%	12%	15%	58	48	1%	1%
Fresno Unified	Fresno	4,215	2,755	2,677	2910	24,491	14,033	79,007	17%	11%	11%	12%	-1,460	-1,305	-6%	-5%
Garden Grove Unified	Orange	633	0	0	0	24,847	16,270	48,742	3%	0%	0%	0%	-633	-633	-3%	-3%
Glendale Unified	Los Angeles	1,410	547	450	308	11,846	3,921	30,329	11%	4%	4%	3%	-863	-1,102	-6%	-8%
Grossmont Union High	San Diego	0	0	0	0	1,266	834	23,639	0%	0%	0%	0%	0	0	0%	0%
Hacienda la Puente Unified	Los Angeles	2,249	16	11	34	6,411	5,438	24,646	38%	0%	0%	1%	-2,233	-2,215	-37%	-37%
Hayward Unified	Alameda	1,881	1971	1,985	2276	7,451	5,553	24,205	32%	31%	28%	31%	90	395	-1%	-1%
Irvine Unified	Orange	0	0	0	0	2,660	277	23,961	0%	0%	0%	0%	0	0	0%	0%
Kern Union High	Kern	152	0	0	0	3,440	3,232	29,333	5%	0%	0%	0%	-152	-152	-5%	-5%
Lodi Unified	San Joaquin	655	109	74	58	8,030	3,971	27,339	9%	1%	1%	1%	-546	-597	-8%	-8%
Long Beach Unified	Los Angeles	12,093	942	2,007	998	31,697	26,046	93,694	39%	3%	6%	3%	-11,151	-11,095	-36%	-36%
Los Angeles Unified	Los Angeles	107,706	14,575	19,983	17066	307,594	287,648	721,346	34%	5%	6%	6%	-93,131	-90,640	-30%	-29%
Montebello Unified	Los Angeles	10,896	7,837	7,156	7145	15,910	15,525	34,794	63%	47%	43%	45%	-3,059	-3,751	-16%	-18%
Moreno Valley Unified	Riverside	1,973	571	584	689	8,094	7,246	32,730	32%	9%	8%	9%	-1,402	-1,284	-23%	-23%
Mt. Diablo Unified	Contra Costa	581	360	339	336	4,333	3,221	36,648	16%	10%	9%	8%	-221	-245	-6%	-8%
Newport-Mesa Unified	Orange	972	0	0	0	6,183	5,721	21,658	18%	0%	0%	0%	-972	-972	-18%	-18%
Norwalk-La Mirada Unified	Los Angeles	2,244	155	397	385	4,807	4,483	23,610	44%	3%	8%	8%	-2,089	-1,859	-41%	-36%
Oakland Unified	Alameda	3,447	7,728	7,090	6835	19,362	12,516	54,863	19%	41%	37%	35%	4,281	3,388	22%	16%
Oceanside Unified	San Diego	2,409	0	0	0	5,348	5,140	22,354	54%	0%	0%	0%	-2,409	-2,409	-54%	-54%
Ontario-Montclair Element	San Bernardi	2,488	2,938	2,817	1745	13,471	13,015	26,407	21%	23%	21%	13%	450	-743	3%	-8%
Orange Unified	Orange	0	0	0	55	7,338	6,555	31,097	0%	0%	0%	1%	0	55	0%	1%
Palm Springs Unified	Riverside	1,676	790	682	532	5,886	5,715	20,847	34%	15%	12%	9%	-886	-1,144	-19%	-25%
Palmdale Elementary	Los Angeles	580	600	544	544	4,441	4,313	20,853	18%	17%	14%	12%	20	-36	-1%	-6%
Pasadena Unified	Los Angeles	3,498	110	75	52	5,988	5,588	23,559	53%	2%	1%	1%	-3,388	-3,446	-51%	-52%
Placentia-Yorba Linda Unif	Orange	1,100	714	841	1236	4,295	3,874	26,046	28%	18%	20%	29%	-386	136	-11%	0%
Pomona Unified	Los Angeles	5,461	3,766	3,495	3231	16,153	15,404	34,479	36%	24%	22%	20%	-1,695	-2,230	-12%	-16%

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Table G.1
Bilingual Education Pre and Post Proposition 227 in Largest (at or above 20,000 in 2000-01) School Districts in California

DISTRICT	COUNTY	97-98 Bil. Ed.	98-99 Bil. Ed.	99-00 Bil. Ed.	00-01 Bil. Ed.	00-01 LEP/EL	00-01 Spanish LEP/EL	00-01 Total Enrollmen	97-98 % Bil.	98-99 % Bil.	99-00 % Bil.	00-01 % Bil.	1 Yr. Change # Bil.	3 Yr. Change # Bil.	1 Yr. Change % Bil.	3 Yr. Change % Bil.
Poway Unified	San Diego	108	53	56	62	2,234	640	32,532	6%	3%	3%	3%	-55	-46	-3%	-3%
Rialto Unified	San Bernardi	1,827	61	64	76	6,165	5,853	28,060	34%	1%	1%	1%	-1,766	-1,751	-33%	-33%
Riverside Unified	Riverside	1,708	172	132	1474	6,272	5,845	38,124	32%	3%	2%	24%	-1,536	-234	-29%	-8%
Sacramento City Unified	Sacramento	1,318	626	656	776	15,389	6,081	52,702	9%	4%	4%	5%	-692	-542	-5%	-4%
Saddleback Valley Unified	Orange	114	123	127	145	2,415	1,937	35,199	5%	5%	5%	6%	9	31	0%	1%
San Bernardino City Unifie	San Bernardi	4,888	3,451	3,073	4067	12,990	12,208	52,031	49%	31%	26%	31%	-1,437	-821	-19%	-18%
San Diego City Unified	San Diego	12,704	6,703	10,231	10820	38,867	30,787	141,804	33%	17%	26%	28%	-6,001	-1,884	-16%	-5%
San Francisco Unified	San Francisc	8,210	7,985	6,663	6186	18,037	6,895	59,979	43%	43%	36%	34%	-225	-2,024	-1%	-9%
San Jose Unified	Santa Clara	4,560	3,358	3,205	3091	8,916	7,560	33,015	50%	38%	35%	35%	-1,202	-1,469	-13%	-16%
San Juan Unified	Sacramento	87	0	0	0	3,456	1,024	50,240	3%	0%	0%	0%	-87	-87	-3%	-3%
San Ramon Valley Unified	Contra Costa	0	0	0	0	416	54	20,742	0%	0%	0%	0%	0	0	0%	0%
Santa Ana Unified	Orange	11,029	5,894	6,149	6302	39,934	38,917	60,643	29%	15%	16%	16%	-5,135	-4,727	-14%	-13%
Simi Valley Unified	Ventura	27	0	0	0	1,387	1,162	21,181	2%	0%	0%	0%	-27	-27	-2%	-2%
Stockton City Unified	San Joaquin	1,678	197	264	334	9,723	6,126	37,573	16%	2%	3%	3%	-1,481	-1,344	-14%	-12%
Sweetwater Union High	San Diego	1,989	1,216	1,592	1872	7,699	7,283	35,330	29%	17%	20%	24%	-773	-117	-12%	-4%
Torrance Unified	Los Angeles	95	0	0	0	3,371	914	24,118	3%	0%	0%	0%	-95	-95	-3%	-3%
Vallejo City Unified	Solano	86	0	0	38	2,933	1,816	20,270	4%	0%	0%	1%	-86	-48	-4%	-3%
Visalia Unified	Tulare	1,144	661	897	694	5,228	4,060	23,989	21%	12%	17%	13%	-483	-450	-9%	-8%
Vista Unified	San Diego	3,582	3,532	3,186	3414	6,599	6,395	27,651	58%	54%	47%	52%	-50	-168	-4%	-6%
West Contra Costa Unified	Contra Costa	1,843	1,755	1,761	1825	8,699	6,448	34,499	25%	22%	21%	21%	-88	-18	-3%	-4%
TOTALS		**243,924**	**87,640**	**95,706**	**94,001**	**885,957**	**739,747**	**2,939,405**	**29%**	**10%**	**11%**	**11%**	**-156,284**	**-149,923**	**-19%**	**-18%**

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Table G.2

Elementary Bilingual Education Pre and Post Proposition 227 in Largest (at or above 20,000 in 2000-01) School Districts in California

DISTRICT	COUNTY	97-98 Biling. Educ.	98-99 Biling. Educ.	99-00 Biling. Educ.	00-01 Biling. Educ.	00-01 LEP/EL	00-01 Spanish LEP/EL	00-01 District Enrollment	97-98 % Bil.	98-99 % Bil.	99-00 % Bil.	00-01 % Bil.	1 Yr. Change # Bil.	3Yr. Change # Bil.	1 Yr. Change % Bil.	3 Yr. Change % Bil.
ABC Unified	Los Angeles	1,817	487	475	472	3,419	2,288	22,303	50%	13%	13%	14%	-1,330	-1345	-36%	-36%
Anaheim Elementary	Orange	2	0	91	77	13,761	13,114	22,275	0%	0%	1%	1%	-2	75	0%	1%
Antioch Unified	Contra Costa	0	0	0	0	814	671	20,018	0%	0%	0%	0%	0	0	0%	0%
Bakersfield City Elementary	Kern	20	987	614	498	6,282	6,120	27,674	0%	16%	10%	8%	967	478	16%	8%
Capistrano Unified	Orange	959	205	254	222	4,222	3,377	45,074	26%	5%	6%	5%	-754	-737	-21%	-21%
Chino Valley Unified	San Bernardi	547	0	0	0	2,504	2,219	31,763	22%	0%	0%	0%	-547	-547	-22%	-22%
Chula Vista Elementary	San Diego	3,524	1,668	2,437	2,757	7,718	7,240	23,132	50%	23%	33%	36%	-1,856	-767	-27%	-14%
Clovis Unified	Fresno	329	0	0	0	1,828	566	32,717	16%	0%	0%	0%	-329	-329	-16%	-16%
Colton Joint Unified	San Bernardi	496	0	0	0	2,735	2,608	22,118	20%	0%	0%	0%	-496	-496	-20%	-20%
Compton Unified	Los Angeles	3,270	503	400	292	11,605	11,511	31,037	43%	6%	4%	3%	-2,767	-2978	-37%	-40%
Conejo Valley Unified	Ventura	0	0	0	0	1,148	1,006	20,999	0%	0%	0%	0%	0	0	0%	0%
Corona-Norco Unified	Riverside	1,015	369	389	382	3,918	3,762	37,487	28%	10%	10%	10%	-646	-633	-18%	-18%
Desert Sands Unified	Riverside	2,105	690	502	263	4,114	4,065	23,500	59%	18%	13%	6%	-1,415	-1842	-41%	-53%
Downey Unified	Los Angeles	215	234	228	157	3,063	2,894	21,474	7%	7%	7%	5%	19	-58	0%	-2%
Elk Grove Unified	Sacramento	0	0	0	0	5,831	2,074	47,736	0%	0%	0%	0%	0	0	0%	0%
Fairfield-Suisun Unified	Solano	214	225	242	255	1,749	1,390	22,263	15%	15%	15%	15%	11	41	0%	0%
Fontana Unified	San Bernardi	1,198	0	0	0	8,139	8,062	37,244	20%	0%	0%	0%	-1,198	-1198	-20%	-20%
Fremont Unified	Alameda	512	569	475	559	2,361	796	31,078	22%	23%	19%	24%	57	47	2%	2%
Fresno Unified	Fresno	3,545	2,589	2,329	2,525	15,323	9,188	79,007	21%	15%	15%	16%	-956	-1020	-5%	-4%
Garden Grove Unified	Orange	633	0	0	0	16,989	11,326	48,742	4%	0%	0%	0%	-633	-633	-4%	-4%
Glendale Unified	Los Angeles	1,410	547	450	308	7,631	2,703	30,329	17%	7%	6%	4%	-863	-1102	-10%	-13%
Hacienda la Puente Unified	Los Angeles	2,122	0	0	0	4,162	3,633	24,646	52%	0%	0%	0%	-2,122	-2122	-52%	-52%
Hayward Unified	Alameda	1,743	1,885	1,955	2,196	5,010	3,900	24,205	43%	43%	40%	44%	142	453	0%	1%
Irvine Unified	Orange	0	0	0	0	1,532	153	23,961	0%	0%	0%	0%	0	0	0%	0%
Lodi Unified	San Joaquin	630	84	66	30	4,970	2,677	27,339	14%	2%	1%	1%	-546	-600	-12%	-14%
Long Beach Unified	Los Angeles	10,821	876	1,763	916	20,185	16,864	93,694	52%	4%	8%	5%	-9,945	-9905	-48%	-48%
Los Angeles Unified	Los Angeles	97,081	10,667	17,847	14,871	212,096	199,869	721,346	46%	5%	8%	7%	-86,414	-82210	-41%	-39%
Montebello Unified	Los Angeles	8,074	6,602	6,331	6,082	8,863	8,653	34,794	88%	72%	69%	69%	-1,472	-1992	-16%	-19%
Moreno Valley Unified	Riverside	1,784	425	414	541	4,854	4,365	32,730	49%	11%	10%	11%	-1,359	-1243	-38%	-38%
Mt. Diablo Unified	Contra Costa	530	360	339	336	2,371	1,854	36,648	25%	18%	16%	14%	-170	-194	-7%	-11%
Newport-Mesa Unified	Orange	972	0	0	0	3,893	3,665	21,658	27%	0%	0%	0%	-972	-972	-27%	-27%
Norwalk-La Mirada Unified	Los Angeles	1,856	155	386	385	2,649	2,492	23,610	59%	5%	13%	15%	-1,701	-1471	-53%	-44%
Oakland Unified	Alameda	2,906	6,525	6,154	6,265	11,583	7,979	54,863	26%	57%	54%	54%	3,619	3359	30%	28%
Oceanside Unified	San Diego	1,820	0	0	0	3,743	3,623	22,354	52%	0%	0%	0%	-1,820	-1820	-52%	-52%
Ontario-Montclair Elementary	San Bernardi	2,299	2,798	2,626	1,745	10,717	10,366	26,407	24%	28%	24%	16%	499	-554	4%	-7%
Orange Unified	Orange	0	0	0	0	4,636	4,250	31,097	0%	0%	0%	0%	0	0	0%	0%
Palm Springs Unified	Riverside	1,511	722	627	502	4,453	4,324	20,847	42%	19%	15%	11%	-789	-1009	-23%	-31%
Palmdale Elementary	Los Angeles	580	600	544	498	3,753	3,660	20,853	21%	19%	17%	13%	20	-82	-1%	-7%
Pasadena Unified	Los Angeles	2,985	110	75	52	3,612	3,362	23,559	70%	3%	2%	1%	-2,875	-2933	-67%	-68%
Placentia-Yorba Linda Unifiec	Orange	1,100	714	841	1,212	2,845	2,595	26,046	43%	26%	29%	43%	-386	112	-17%	-1%
Pomona Unified	Los Angeles	5,068	3,455	3,400	3,166	9,860	9,511	34,479	53%	35%	34%	32%	-1,613	-1902	-18%	-21%
Poway Unified	San Diego	95	53	56	62	1,517	424	32,532	7%	4%	4%	4%	-42	-33	-3%	-3%
Rialto Unified	San Bernardi	1,727	61	64	76	3,225	3,098	28,060	52%	2%	2%	2%	-1,666	-1651	-50%	-49%
Riverside Unified	Riverside	1,592	61	35	1,344	4,268	4,008	38,124	40%	1%	1%	31%	-1,531	-248	-39%	-9%
Sacramento City Unified	Sacramento	1,052	626	656	776	10,271	4,324	52,702	11%	6%	7%	8%	-426	-276	-4%	-3%

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Table G.2
Elementary Bilingual Education Pre and Post Proposition 227 in Largest (at or above 20,000 in 2000-01) School Districts in California

DISTRICT	COUNTY	97-98 Biling. Educ.	98-99 Biling. Educ.	99-00 Biling. Educ.	00-01 Biling. Educ.	00-01 LEP/EL	00-01 Spanish LEP/EL	00-01 District Enrollment	97-98 % Bil.	98-99 % Bil.	99-00 % Bil.	00-01 % Bil.	1 Yr. Change # Bil.	3Yr. Change # Bil.	1 Yr. Change % Bil.	3 Yr. Change % Bil.
Saddleback Valley Unified	Orange	114	121	119	137	1,552	1,286	35,199	9%	8%	8%	9%	7	23	0%	0%
San Bernardino City Unified	San Bernardi	4,888	3,451	3,073	4,067	8,470	8,057	52,031	74%	45%	38%	48%	-1,437	-821	-28%	-26%
San Diego City Unified	San Diego	10,921	6,587	9,962	10,391	25,826	20,912	141,804	43%	26%	38%	40%	-4,334	-530	-17%	-2%
San Francisco Unified	San Francisc	6,504	6,154	5,577	5,234	11,426	4,458	59,979	54%	52%	47%	46%	-350	-1270	-2%	-8%
San Jose Unified	Santa Clara	4,299	3,175	3,135	3,005	5,654	4,932	33,015	75%	56%	54%	53%	-1,124	-1294	-19%	-22%
San Juan Unified	Sacramento	87	0	0	0	2,079	688	50,240	5%	0%	0%	0%	-87	-87	-5%	-5%
San Ramon Valley Unified	Contra Costa	0	0	0	0	230	31	20,742	0%	0%	0%	0%	0	0	0%	0%
Santa Ana Unified	Orange	9,738	5,663	5,917	6,020	24,676	24,123	60,643	41%	23%	24%	24%	-4,075	-3718	-18%	-17%
Simi Valley Unified	Ventura	9	0	0	0	861	743	21,181	1%	0%	0%	0%	-9	-9	-1%	-1%
Stockton City Unified	San Joaquin	1,340	197	264	334	6,791	4,398	37,573	18%	3%	4%	5%	-1,143	-1006	-15%	-13%
Torrance Unified	Los Angeles	95	0	0	0	1,796	441	24,118	5%	0%	0%	0%	-95	-95	-5%	-5%
Vallejo City Unified	Solano	86	0	0	38	1,921	1,253	20,270	6%	0%	0%	2%	-86	-48	-6%	-4%
Visalia Unified	Tulare	1,104	652	897	694	3,245	2,597	23,989	31%	19%	28%	21%	-452	-410	-13%	-10%
Vista Unified	San Diego	3,057	2,932	2,834	3,071	4,348	4,225	27,651	75%	68%	63%	71%	-125	14	-8%	-5%
West Contra Costa Unified	Contra Costa	1,527	1,518	1,468	1,556	5,267	4,112	34,499	33%	30%	29%	30%	-9	29	-2%	-3%
TOTALS		213,928	76,302	86,311	84,369	574,364	488,885	2,797,458	39%	13%	15%	15%	-137,626	-129,559	-25%	-24%

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Appendix H
Percentage of English Learners Tested in Reading
Pre and Post Proposition 227 in Largest (at or above 20,000 in 2000-01) School Districts in California

		Elementary Schools Only				District			
DISTRICT	**COUNTY**	**1997-98**	**1998-99**	**1999-00**	**2000-01**	**1997-98**	**1998-99**	**1999-00**	**2000-01**
ABC Unified	Los Angeles	91%	94%	91%	94%	88%	95%	90%	90%
Anaheim Elementary	Orange	81%	93%	93%	100%	82%	93%	93%	100%
Anaheim Union High	Orange	N/A	N/A	N/A	N/A	60%	71%	78%	70%
Antioch Unified	Contra Costa	76%	91%	88%	86%	80%	89%	89%	80%
Bakersfield City Elementary	Kern	87%	85%	89%	80%	85%	85%	87%	80%
Capistrano Unified	Orange	71%	73%	65%	65%	70%	70%	66%	60%
Chino Valley Unified	San Bernardi	88%	90%	88%	89%	87%	88%	89%	90%
Chula Vista Elementary	San Diego	81%	79%	90%	96%	81%	79%	90%	90%
Clovis Unified	Fresno	87%	90%	92%	91%	87%	88%	92%	90%
Colton Joint Unified	San Bernardi	42%	46%	92%	76%	37%	46%	95%	80%
Compton Unified	Los Angeles	57%	34%	66%	83%	42%	28%	61%	80%
Conejo Valley Unified	Ventura	68%	89%	91%	86%	72%	89%	92%	80%
Corona-Norco Unified	Riverside	40%	39%	88%	89%	35%	34%	85%	80%
Desert Sands Unified	Riverside	86%	88%	90%	97%	81%	85%	87%	90%
Downey Unified	Los Angeles	72%	77%	83%	87%	72%	74%	81%	80%
East Side Union High	Santa Clara	N/A	N/A	N/A	N/A	41%	81%	85%	80%
Elk Grove Unified	Sacramento	86%	96%	96%	100%	81%	91%	93%	90%
Fairfield-Suisun Unified	Solano	69%	72%	83%	88%	67%	75%	85%	90%
Fontana Unified	San Bernardi	90%	93%	96%	100%	95%	92%	95%	100%
Fremont Unified	Alameda	75%	86%	88%	88%	70%	86%	85%	90%
Fresno Unified	Fresno	85%	88%	90%	91%	82%	86%	87%	90%
Garden Grove Unified	Orange	84%	88%	90%	93%	84%	88%	89%	90%
Glendale Unified	Los Angeles	92%	93%	93%	95%	92%	92%	92%	90%
Grossmont Union High	San Diego	N/A	N/A	N/A	N/A	68%	85%	80%	70%
Hacienda la Puente Unified	Los Angeles	68%	86%	88%	93%	70%	89%	87%	90%
Hayward Unified	Alameda	62%	64%	71%	77%	51%	67%	71%	80%
Irvine Unified	Orange	88%	91%	91%	83%	91%	93%	93%	80%
Kern Union High	Kern	N/A	N/A	N/A	N/A	72%	85%	90%	90%
Lodi Unified	San Joaquin	85%	86%	87%	94%	82%	84%	77%	90%
Long Beach Unified	Los Angeles	90%	94%	96%	100%	87%	91%	93%	90%
Los Angeles Unified	Los Angeles	61%	82%	83%	86%	62%	78%	78%	80%
Montebello Unified	Los Angeles	42%	28%	65%	84%	64%	54%	78%	90%
Moreno Valley Unified	Riverside	58%	54%	74%	87%	43%	62%	77%	90%
Mt. Diablo Unified	Contra Costa	78%	85%	82%	87%	76%	82%	80%	80%

Appendix H
Percentage of English Learners Tested in Reading
Pre and Post Proposition 227 in Largest (at or above 20,000 in 2000-01) School Districts in California

		Elementary Schools Only				District			
DISTRICT	COUNTY	1997-98	1998-99	1999-00	2000-01	1997-98	1998-99	1999-00	2000-01
Newport-Mesa Unified	Orange	81%	93%	89%	92%	82%	90%	87%	90%
Norwalk-La Mirada Unified	Los Angeles	75%	83%	95%	100%	72%	66%	94%	90%
Oakland Unified	Alameda	68%	43%	85%	88%	62%	52%	82%	80%
Oceanside Unified	San Diego	57%	89%	92%	88%	48%	87%	89%	90%
Ontario-Montclair Elementary	San Bernardi	71%	88%	95%	99%	70%	89%	94%	100%
Orange Unified	Orange	78%	87%	87%	93%	76%	86%	86%	90%
Palm Springs Unified	Riverside	77%	87%	91%	94%	74%	83%	80%	90%
Palmdale Elementary	Los Angeles	67%	80%	90%	90%	66%	78%	89%	90%
Pasadena Unified	Los Angeles	72%	88%	90%	96%	72%	84%	85%	90%
Placentia-Yorba Linda Unified	Orange	61%	67%	79%	93%	68%	74%	80%	90%
Pomona Unified	Los Angeles	53%	68%	67%	94%	51%	70%	74%	90%
Poway Unified	San Diego	81%	83%	90%	74%	76%	79%	91%	70%
Rialto Unified	San Bernardi	82%	91%	97%	96%	70%	90%	93%	90%
Riverside Unified	Riverside	70%	77%	86%	89%	66%	79%	84%	90%
Sacramento City Unified	Sacramento	9%	81%	91%	94%	6%	82%	88%	90%
Saddleback Valley Unified	Orange	82%	83%	83%	85%	81%	86%	84%	90%
San Bernardino City Unified	San Bernardi	77%	94%	95%	95%	76%	91%	93%	90%
San Diego City Unified	San Diego	69%	77%	79%	91%	74%	77%	80%	90%
San Francisco Unified	San Francisc	42%	62%	67%	92%	40%	58%	64%	90%
San Jose Unified	Santa Clara	66%	87%	89%	87%	68%	87%	86%	80%
San Juan Unified	Sacramento	3%	69%	81%	100%	2%	73%	87%	100%
San Ramon Valley Unified	Contra Costa	90%	74%	84%	91%	90%	72%	89%	90%
Santa Ana Unified	Orange	87%	87%	90%	92%	86%	87%	89%	90%
Simi Valley Unified	Ventura	81%	83%	84%	86%	81%	83%	85%	80%
Stockton City Unified	San Joaquin	85%	87%	89%	98%	81%	85%	85%	90%
Sweetwater Union High	San Diego	N/A	N/A	N/A	N/A	62%	91%	93%	100%
Torrance Unified	Los Angeles	78%	94%	93%	90%	68%	93%	93%	90%
Vallejo City Unified	Solano	65%	83%	80%	92%	62%	75%	73%	80%
Visalia Unified	Tulare	78%	79%	95%	96%	78%	79%	95%	90%
Vista Unified	San Diego	76%	79%	81%	87%	78%	77%	80%	90%
West Contra Costa Unified	Contra Costa	72%	72%	76%	86%	70%	70%	77%	80%
TOTAL		**68%**	**80%**	**85%**	**91%**	**67%**	**79%**	**82%**	**86%**

Appendix I

Predictors of the Percentage of English Learners Tested in Reading in California Elementary Schools Enrolling English Learners in Tested Grades,

1997-98, 1998-99, 1999-00, 2000-01 and Math in 2000-01

	READING																MATH			
	1997-98				1998-99				1999-00				2000-01				2000-01			
Dependant Variable=	Mean	b	Beta	Signif. Level	Mean	b	Beta	Signif. Level	Mean	b	Beta	Signif. Level	Mean	b	Beta	Signif. Level	Mean	b	Beta	Signif. Level
% of EL Tested	68				75				81				84				87			
Constant		56.847		0.000 *		62.492		0.000 *		71.765		0.000 *		74.737		0.000 *		77.642		0.000 *
No. Enrolled in Bil. Ed.	75	-0.031	-0.16	0.000 *	30	-0.045	-0.15	0.000 *	31	-0.030	-0.13	0.000 *	30	-0.014	-0.06	0.000 *	30	-0.008	-0.03	0.017 *
% on AFDC or Calwork	20	-0.067	-0.04	0.008 *	17	0.047	0.03	0.038 *	17	0.094	0.07	0.000 *	14	0.154	0.11	0.000 *	14	0.150	0.11	0.000 *
Total School Enrollment	617	0.024	0.23	0.000 *	615	0.022	0.23	0.000 *	621	0.014	0.18	0.000 *	616	0.013	0.18	0.000 *	616	0.011	0.17	0.000 *
Adjusted r2		0.038				0.060				0.042				0.046				0.042		
N		4,840				4,905				4,862				4,998				4,998		

* Statistically significant at .05 or better.

Appendix J

Percentage of Methodologically Acceptable Studies* Demonstrating Prograı Superiority, Equality, or Inferiority by Achievement Test Outcome
(N=72)

	READING**	LANGUAGE	MATH
TBE v. Submersion (Do Nothing)			
TBE Better	22%	7%	9%
No Difference	45%	29%	56%
TBE Worse	33%	64%	35%
Total N	60	14	34
TBE v. ESL			
TBE Better	0%	0%	25%
No Difference	71%	67%	50%
TBE Worse	29%	33%	25%
Total N	7	3	4
TBE v. Submersion/ESL			
TBE Better	19%	6%	11%
No Difference	48%	35%	55%
TBE Worse	33%	59%	34%
Total N	67	17	38
TBE v. Structured Immersion			
TBE Better	0%	0%	0%
No Difference	17%	100%	63%
TBE Worse	83%	0%	38%
Total N	12	1	8
Structured Immersion v. ESL			
Immersion Better	100%	0%	0%
No Difference	0%	0%	0%
Total N	3	0	0
TBE v. Maint. BE			
TBE Better	100%	0%	0%
Total N	1	0	0

* Studies are listed in more than one category if there were different effects for different grades or cohorts.

** Oral English achievement for preschool programs.

SOURCE: C. Rossell and K. Baker, "The Educational Effectiveness of Bilingual Education," Research in the Teaching of English, 30 (1), February 1996: 1-74.

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